MIRABEAU BUONAPARTE LAMAR

BY

ASA KYRUS CHRISTIAN

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UNIVERSITY OF PENNSYLVANIA

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A THESIS

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TO MY WIFE,
WHOSE CONSTANT ENCOURAGEMENT
HAS MADE POSSIBLE THIS
WORK

PREFACE

This life of Mirabeau B. Lamar was begun while the writer was a graduate student in the University of Texas, and at the suggestion of Professor Eugene C. Barker, Professor of American History. It was continued and completed at the University of Pennsylvania, where it was accepted as part of the requirements for the degree of doctor of philosophy.

The excuse for such a study need hardly be expressed. The history of Texas and the Southwest is just now beginning to be written as a result of special investigation in different fields of Southwestern history. And with all the monographs, mostly dealing with pre-revolutionary days, very few have been devoted to a study of the few years when Texas was an independent republic. Stephen F. Austin is known for his sterling character and his masterly work as a colonizer and transplanter of American civilization; Sam Houston is known for his spectacular military achievements; and that is about as far as the general knowledge extends with regard to the "Critical Period" in Texas history. Many people in the East have no realization of the fact that Texas was one time an independent republic. And the ignorance with regard to Texas even among Texans is enough to justify one more historical study with a view to eliminating that ignorance.

It seems that Lamar has been allowed to suffer more than others by the general tendency of people to forget their notables. Colonel of Cavalry at San Jacinto, Secretary of War in the provisional cabinet immediately after San Jacinto, appointed by the president and cabinet as commander-in-chief of the army, elected vice-president in 1836, and president in 1838, Lamar was not less important in establishing Texan independence than other characters who have received more notice.

It is not intended that this shall be a complete biography. The interest of the writer was more along the lines of the connection of Lamar with public affairs until the close of his administration as president in 1841, though for sake of clearness and completeness, the early life and the life of the subject of the paper is sketched briefly.

In the preparation of a paper of this nature, there are many

sources and many individuals to whom one is indebted. The chief obligation of this writer is to Professor E. C. Barker, at whose suggestion the paper was undertaken, and to whose scholarly example it owes whatever historical merit it may possess. He not only advised with the writer, but read the whole in manuscript, and superintended the publication of the paper in the *Southwestern Historical Quarterly* during a protracted illness of the writer. An acknowledgment of indebtedness is also made to Mrs. Mattie Austin Hatcher, archivist in the history department of the University of Texas, for her aid and counsel in the use of material and for reading of the proof. Mr. E. W. Winkler, reference librarian in the University of Texas, was also helpful in his suggestions, and his wide knowledge of the literature of the field. Miss Elizabeth West, at present State Librarian, prepared the excellent calendar of Lamar's papers, which the writer found so helpful. The citations to the *Lamar Papers* are made in the serial numbers of Miss West's calendar.

Professors Herman V. Ames, John Bach McMaster, and Albert E. McKinley kindly read the entire manuscript and made valuable suggestions as to plan, and saved the writer from possible errors. Many others I have been indebted to for specific details, and I have tried to indicate that indebtedness in the footnotes.

Lastly, I am under particular obligations to my wife for assisting me in the original writing of the paper, in criticism of form and structure, and for constant aid in preparing it for the printer.

CONTENTS

Chapter I. Early Years in Georgia.

Chapter II. As a Texas Revolutionist, 1836-1838.

Chapter III. Presidential Administration: Domestic Affairs.
1. Education.
2. Finances.
3. Army and Navy.
4. Location of Permanent Seat of Government.

Chapter IV. Frontier Defense.
1. Relations with Miscellaneous Indian Tribes.
2. Relations with the Cherokees.

Chapter V. The Santa Fé Expedition.

Chapter VI. Foreign Affairs.
1. Efforts to Negotiate Peace with Mexico.
2. The Federalists and the Alliance with Yucatan.
3. Relations with the United States.
4. Relations with France and England.

Chapter VII. Closing Years.

MIRABEAU BUONAPARTE LAMAR

A. K. CHRISTIAN

CHAPTER I

EARLY LIFE IN GEORGIA

When Mirabeau Buonaparte Lamar arrived in Texas just before the battle of San Jacinto to cast in his fortunes with the new republic, he had already achieved some prominence in his native State of Georgia. He was born at Louisville, Warren County, in that State, on August 16, 1798, the second of a family of nine. The family from which he was descended, tradition says, being Huguenots, left France during the persecution of Protestants under Richelieu and settled in Maryland. On November 17, 1663, Lord Baltimore granted certificates of nationality to Thomas and Peter Lamore, and ten years later to John Lamore. Peter Lamar left a will dated in 1693. Thomas Lamar also left a will, dated October 4, 1712, leaving to his wife and two sons, Thomas and John, considerable estates in Prince George's County. The second Thomas also left a will, dated May 11, 1747, in which he distributed a large estate among his six sons and two sons-in-law. In 1755 three of these sons, Robert, Thomas, and John, and one of the sons-in-law, sold their estates and moved down into South Carolina and Georgia. The father of the subject of this paper was John Lamar, grandson of the John Lamar who settled in Georgia in 1755. He was born in 1769, and married his first cousin, Rebecca Lamar.[1]

To John and Rebecca Lamar were born four sons and five daughters. With the family lived Zachariah Lamar, a brother to John, an eccentric, self-taught man, who is supposed to have given to the sons their names. He afterwards married and his daughter became the wife of Howell Cobb, prominent in Georgia history. The eldest son, Lucius Quintus Cincinnatus, became a member of the Superior Court of Georgia in 1830, at the age of thirty-three. He was the father of L. Q. C. Lamar, who was a prominent Southern statesman before and after the Civil War, becoming Secretary of the Interior in President Cleveland's Cabinet, and later an Asso-

[1]Edward Mayes, *Lucius Q. C. Lamar*, 13, 14.

ciate Justice of the United States Supreme Court. Other sons were Jefferson Jackson and Thomas Randolph.[2]

It is probable that Mirabeau availed himself of the opportunities offered by the schools in his locality, though he never went to college. "Though not a rich man," wrote Joel Crawford, a contemporary, and the law partner of L. Q. C., the elder, "Mr. John Lamar, by dint of industry and good management, found means to give his children the best education which the schools of the country afforded. None of them had the benefit of a college course, nor were they (it is believed) acquainted with the ancient classics or any other language but English."[3] A close application to the rules of good English is indicated in all his writings, though how much of this was due to training in school it is impossible to say. It seems, however, that he was chiefly self-taught, as in all his writings there is evident a lack of system which is likely to come with self-education. That he acquired a great mass of information is certain, and his native ability in expression caused him to be rated by his contemporaries much above his merit.

In 1819, at the age of twenty-one, he established a general merchandise business in Cahawba, Alabama. Being unsuccessful in this business, we find him in March, 1821, announcing his purpose to publish a humorous paper, "Village Miscellany to be written in a series of numbers by Lanthornbalvon."[4] On January 1, 1822, he had printed a broadside in verse entitled, "New Year's Address to the Patrons of the Cahawba Press." When he became editor of this paper, if he did, does not appear. A few days later he sent a copy of this address to his brother in Georgia. In a note on the back of the broadside he wrote:

Dear Brother

I am here in Cahaba, without any business, or likelihood to obtain any, shortly— You need not be disappointed if you see me back in Geo. again in few weeks; in great haste

Yours &C.

M. B. Lamar.[5]

At the same time he explained that he had written the address

[2] *Ibid.*, 218.

[3] *Bench and Bar of Georgia.* Quoted by Edward Mayes, *Lucius Q. C. Lamar*, 16.

[4] MSS., *Lamar Papers*, No. 34.

[5] *Lamar Papers*, No. 44.

"with a running quill," and apologized for the errors. It seems probable that the verses were contributed by Lamar to the Cahawba Press, and that he had no official connection with the paper.

In 1823 George M. Troup became Governor of Georgia after a four years campaign, and Lamar acted as his private secretary during the stirring times of his administration. He was recommended for the appointment by Joel Crawford, law partner of his elder brother, as a "gentleman not more distinguished by the loftiest sentiments of honor, than by mental Superiority & devotion to republican politics.[6] It was during this period that the struggle between Georgia and the Federal Government over the removal of the Creek and Cherokee Indians took place, and Lamar is credited with activity in raising the militia to resist the efforts of the Federal Government to coerce Georgia.[7] It was probably at this time that he conceived an enmity towards the Indians that went with him throughout his life. It was during this period, also, that he adopted the principles advocated by the extreme States' Rights party.

On January 1, 1826, his term as secretary to the governor having expired, he married Miss Tabitha B. Jordan, of Perry, Alabama, and for the next two years lived in retirement on the farm. On January 1, 1828, he announced his purpose to publish a newspaper in the town of Columbus, "if sufficient patronage can be obtained to warrant the undertaking." The *Columbus Enquirer,* he announced in the prospectus, was to be attached to "the Republican creed as exemplified in the administration of Thomas Jefferson; and in State politics, adhering to the principles that characterized the late able administration of Governor Troup, it will defend 'the Union of the States and the sovereignty of the States.'" Its influence in the ensuing presidential election was to be given to the democratic candidate most formidable to the men in office. "But it will not be wholly devoted to these matters," he stated. "A large portion of its columns will be filled with such miscellaneous selections as are calculated to please and to instruct;—to gratify fancy and to increase knowledge—making it a literary as well as a political paper." It was to be printed

[6] *Lamar Papers,* No. 50.
[7] Henry S. Foote, *Texas and the Texans,* II, 285.

on a large sheet, with new type, once a week, at three dollars a year.[8]

He continued the publication of this paper alone until 1833. During that time he wrote editorials on the questions of the day. A number of them were in defence of the Troup administration. Others defended the Federal Government for the removal of the Indians west of the Mississippi, defended the doctrine of state rights, and discussed in a learned and heavy way various constitutional questions. There are also book reviews written by him. At the same time he was getting practice in public speaking by delivering addresses to various boys' and girls' schools.[9]

In the summer of 1833 Lamar became a candidate for Congress. It was the custom for the legislative caucus to nominate the candidates for Congress. The caucus met at Milledgeville and nominated the nine candidates, passing over Lamar, and appointed a committee of seven to fill any vacancies which might occur. There was a vacancy, but the committee of seven refused to endorse the candidacy of Lamar, and nominated another, making ten candidates for the nine seats. Under these conditions Lamar was defeated. During the campaign he came out in an address denouncing the caucus system, and stating that he would submit his candidacy to no seven men. He complained that the Troup party was not represented, and that there was hence inequality. "If my political bark cannot sail upon the sea of correct principles," he wrote in his bombastic style,

> let it founder,—it shall never float upon the waves of triumphant error. . . . If my political course has been equivocal or treacherous—warm when honors were to be distributed, but cool if not bestowed on me—if I have either in public or private life been more cunning than candid, more selfish than serviceable, or more illiberal than just—if I have made Patriotism subordinate to a love of promotion; demanding much, but performing little, fattening upon offices, yet with cormorant appetite still asking for more, and threatening desertion if more is not given—in a word, if I have been one of those hollow-hearted politicians, who hold with the hare and run with hound, . . .

then, he did not deserve the office that he aspired to.[10]

[8] *Lamar Papers*, No. 73.
[9] *Lamar Papers*, Nos. 69, 78, 79, 84, 85, 88, 89, 90, 102, 104.
[10] Broadside, *Lamar Papers*, No. 168.

After his defeat for Congress in 1833, Lamar became active in the organization and propagation of the States' Rights Party of Georgia. On November 13, 1833, a States' Rights meeting was held at Milledgeville and adopted a preamble and resolutions. It denounced Jackson's proclamation in connection with nullification in South Carolina; adopted "the Virginia and Kentucky Resolutions as triumphant in 1825, 6, 7," and denounced the Force Bill as a glaring infraction of States' rights. A few days later a prospectus announced a new series of the *Columbus Enquirer* to be edited by Mirabeau B. Lamar and William B. Tinsley in support of the principles of the States' Rights Party.[11] About the same time Lamar delivered an address upon the doctrines of the States' Rights and Union parties in Georgia. He stated that the union was a union of sovereign and independent States bound together by a written compact, and the general government was the agent of the States. He defended the right of nullifying an act of Congress as the agent has no power under the Constitution to coerce a State. "But if the agent, feeling might and forgetting right, shall attempt to enforce her mandates by military coercion, then the State thus menaced must determine for herself whether she will submit to the objectionable acts—meet force with force—or retire peacefully from the Union. Such I believe to be fundamentally the doctrine of the Party with which I have the honor to act."[12]

He continued his connection with this paper until some time in 1834. The death of his wife in 1833, together with an impairment of his own health, and a naturally restless disposition, led him to sever his connection with the paper in 1834, temporarily, if not permanently. In January, 1835, we find him in Alabama on his way to Texas.[13] He arrived at Nacogdoches in July, and immediately proceeded to Coles's settlement, where he made known his intention to become a citizen of Texas. He paid Captain Horatio Chriesman a fee to run off a headright of land. He also announced in a public address, at Washington his intention to become a citizen of Texas, and said that he desired in the event "of a revolutionary struggle, to made *her* destiny *mine* for good

[11] *Lamar Papers*, No. 178.
[12] *Lamar Papers*, No. 177.
[13] *Lamar Papers*, No. 194.

or ill." It seems that these declarations were the result of a more or less sudden impulse. A biographical sketch, published in the *Nacogdoches Chronicle* in 1838 states that he came to Texas to collect material for a history of Texas.[14] This seems a likely reason for his trip as is indicated by the nature of his literary collections during that period.

From Washington he went to San Felipe, but he found the land office closed on account of threatened hostilities, and was unable to get a certificate for his headright. He was told by Stephen F. Austin that he could return to the United States to settle up his business there before emigrating, and sailed for Georgia in November, 1835. He arrived in Georgia late in the year, but almost immediately learned that there was danger of a serious war in Texas, and returned to Texas before he could attend to his affairs in Georgia,[15] arriving at Velasco in the latter part of March. During his brief stay in Georgia he had succeeded in interesting several men there in land speculation, and he brought back with him $6,000 to invest for them in Texas land.[16]

[14] *Telegraph and Texas Register*, April 14, 1838; June 23, 1838.
[15] *Telegraph and Texas Register*, June, 23, 1838.
[16] M. B. Lamar to J. J. Lamar, April 10, 1838; *Lamar Papers*, 351.

Chapter II

as a texas revolutionist, 1836-1838

When Lamar arrived in Texas in the latter part of March, 1836, the affairs of the Texas Revolutionists seemed well nigh hopeless. After a period of successes during November and December, 1835, their fortunes had undergone a change. In January, 1836, Santa Anna had begun the invasion of Texas with a force of six thousand men. On March 6, the Alamo fell, while the convention at Washington on the Brazos was declaring Texas independent, and framing a provisional government. The Goliad massacre had taken place on March 27, and the Texan army under General Houston had begun a retreat from Gonzales which took them to the San Jacinto battlefield. And not only the army, but the whole populace was in a panicky flight. The civil government under David G. Burnet had first fled from Washington to Harrisburg, and thence to Galveston Island. It was under these circumstances that Lamar joined the army just before the battle of San Jacinto.

On March 25, 1836, Alexander E. Patton of Velasco wrote to a man named Kilgore at Brazoria, asking that his horse, which Kilgore had been keeping, be turned over to "Mr. M. B. Lamar . . . just arrived on the Schooner Flash . . . anxious to visit the army."[17] Whether the horse was turned over to Lamar does not appear. One biographer states that Lamar walked from Velasco to Harrisburg in order to get there in time for the expected battle.[18] On April 10, he wrote his brother at Macon, Georgia, stating that he was expecting to go into battle, and giving directions as to the disposal of his effects in case of his death. "I shall reach Houston day after tomorrow, a distance from this place about 50 miles," he wrote.

> In the event of my falling in Battle, you will find my trunks, papers, etc., in the possession of Mrs. Jane Long, who has temporarily fled from Brazoria to Boliver point at Galveston Bay. The money brought by me to be laid out in Lands, I have of course,

[17]Patton to Kilgore, March 25, 1836, in *Lamar Papers*, No. 348.
[18]Thrall, *Pictorial History of Texas*, 581.

in the present confused state of things, not been able to lay out. Govt. has no authority to sell lands, and from individuals no purchase can yet be made with safety. I have therefore been much embarrassed to know what to do with so large a sum of money; it is dangerous to keep it about me, especially as I am going into Battle. After due consideration, I have placed it in the hands of Lorenzo Zavala, the vice-President of the Government, the most responsible and probably the most honest among them. . . .

My health at present is good. I feel much solicitude for my mother; If she was well and cheerful and could bear affliction with more fortitude, I should be happy— Tell Rebecca Ann that she must learn to write read and spell well, and that is the best education. . . .[19]

Some time between the date of this letter and April 20 he joined the army on the Brazos, as a private. On April 20, in a preliminary skirmish at San Jacinto, he rescued a comrade at the risk of his own life, and for this gallant conduct he was elected to the command of the cavalry.[20] On the following day he was in command of the cavalry, and was officially commended by the commander-in-chief, Sam Houston, and the Secretary of War, T. J. Rusk, who was present and took part in the battle. Houston in reporting the battle said:

Our cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, whose gallant and daring conduct on the previous day had attracted the admiration of his comrades and called him to that station, placed on our right, completed our line. Our cavalry was first dispatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line and through an open prairie, without any protection whatever for our men.[21]

The same sentiments were expressed by Rusk in his report to the President.[22]

As is well known, the battle of San Jacinto resulted in over-

[19]M. B. Lamar to J. J. Lamar, April 10, 1836, *Lamar Papers*, No. 351.

[20]Thrall, *Pictorial History of Texas*, 581; *Texas Almanac*, 1858, p. 110. Brown, *History of Texas*, II, 20.

[21]Brown, *History of Texas*, II, 20; Yoakum, *History of Texas*, II, 500. *Lamar Papers*, No. 355.

[22]Brown, *History of Texas*, 27; Yoakum, *History of Texas*, II, 504; *Lamar Papers*, No. 354.

whelming victory for the Texans. Practically the whole Mexican army under Santa Anna was captured, including Santa Anna himself. On April 22, General Houston and Santa Anna entered into an armistice until a treaty of peace could be drawn up, and Santa Anna ordered his subsidiary forces to return to Bexar for further orders.[23] It was thought by General Houston, President Burnet, and a majority of the Cabinet, that an excellent opportunity presented itself while Santa Anna was in their power to form a treaty guaranteeing the independence of Texas. Lamar, who had become Secretary of War on May 5, in place of Rusk, who had assumed command of the army, and Potter, Secretary of the Navy, opposed any treaty with Santa Anna, and favored his execution for the crimes he had committed.

In his letter to the President and Cabinet on May 12, Lamar said that a majority of the Cabinet considered Santa Anna a prisoner of war, but he considered him a murderer. "A chieftain battling for what he conceives to be the rights of his country," he continued,

> however mistaken in his views, may be privileged to make hot and vigorous war upon the foe; but, when in violation of all principles of civilized conflict, he avows and acts upon the revolting policy of extermination and rapine, slaying the surrendering and plundering whom he slays, he forfeits the commisseration of mankind by sinking the character of the hero into that of an abhorred murderer.
>
> Some would assent to the justice of the sentence of death, but were willing to waive its execution for certain advantages which might flow to the country from a wise and judicious action. He asked what surety had they that any stipulations would be carried out.
>
> What he assents to while a prisoner, he may reject when a freeman. Indeed, the idea of treating with a man in our power, who views freedom in acquiescence, and death in opposition, seems to me more worthy of ridicule than refutation.
>
> He said that it was doubtful if Santa Anna would have the power to fulfill his engagements, even if he had the will to do so. He expected that as soon as the news of the defeat should reach

[23]Yoakum, *History of Texas,* II, 150.

Mexico, Santa Anna would lose all his authority, and would be powerless for good or ill.

I am therefore decidedly opposed to all negotiation or arrangements with him;—first, because he is a prisoner and not free to act; secondly, because he is faithless and therefore unworthy of confidence; and thirdly, because of the great certainty of his inability to fulfill his promises even with the desire to do so.

He stated further that even if negotiations should be entered into and prove successful, he would regret the miscarriage of vengeance and justice. Finally, if any negotiations were undertaken, he thought arrangements should be made for transferring the prisoners in exchange for Texan prisoners in Mexico, holding Santa Anna till the end of the war.[24]

In spite of the opposition of Lamar, and the strong reasons given for retaining Santa Anna, the Cabinet entered into an agreement with him on May 14. By the public agreement, which was more in the nature of an armistice, Santa Anna agreed not to take up arms, nor use his influence to cause them to be taken up during the war for independence. He agreed on withdrawal from Texas, and an exchange of prisoners. The Texan authorities, on their part, agreed to send Santa Anna to Vera Cruz as soon as it should be judged proper. By the secret agreement entered into the same day, besides the points mentioned in the public agreement, he agreed to prepare the cabinet of Mexico to receive the mission which the government of Texas might send, so that "by negotiations all differences may be settled, and the independence that has been declared by the convention may be acknowledged." He agreed, further, that a treaty of commerce, amity, and limits between Mexico and Texas, should be established, the territory of Texas not to extend beyond the Rio Bravo del Norte. Texas agreed that "the present return of General Santa Anna to Vera Cruz being indispensable for the purpose of effecting his solemn engagements, the government of Texas will provide for his immediate embarkation for said port."[25]

The Government was on the point of sending Santa Anna to Vera Cruz in accordance with this agreement, when, on June 3,

[24] *Lamar Papers*, No. 361; Brown, *History of Texas*, II, 56-60.

[25] Yoakum, *History of Texas*, II, 526-528; Brown, *History of Texas*, II, 62-64; *Lamar Papers*, Nos. 365, 366.

Thomas Jefferson Green arrived at Velasco with two hundred and thirty volunteers from New Orleans, and on account of their opposition prevented his release. At that time, and after, Lamar supported the civil against the military authorities, and joined with the President in resisting the demands of Green and his coadjutors for the execution of the prisoner.

General Houston had been severely wounded in the battle of San Jacinto, and found it necessary to go to New Orleans for treatment. Consequently, he surrendered the command of the army, May 5, 1836, to Brigadier-General Rusk, who had resigned as Secretary of War. The army under Rusk followed the retreating Mexicans as far as Goliad, where they collected and buried the bones of Fannin and his men, and then established headquarters at Victoria.[26] Here they were joined by volunteers from the United States, increasing the army to about twenty-three hundred by July 1.[27] Among these volunteers were Green, who had prevented the sending of Santa Anna to Vera Cruz, Felix Huston, and others who felt themselves specially fitted to command the army. The army undoubtedly fell into a state of mutiny. Each of the leaders of volunteers was intriguing for the chief command. Some of the soldiers held that Sam Houston was still in command though absent, and refused to obey the orders of Rusk. It was under these circumstances that Rusk appealed to the President and Cabinet to appoint a commander-in-chief of the army. Acting on this request the President and Cabinet, on June 25, appointed Lamar, who had resigned as Secretary of War a few days before, to be Major-General and Commander-in-Chief of the army.

It was not until July 14 that Lamar arrived at the camp. In the meantime he had been at Brazoria making preparations for supplies for the army, and preparing to resist the invasion which seemed threatening. He had received numerous letters of congratulation, and was unprepared to learn when he reached Victoria on the 13th that there was considerable opposition to accepting him as commander-in-chief. When he arrived at the headquarters of the army at Guadalupe the following day, he was met by a committee which had been appointed previously, and requested not to

[26]Yoakum, *History of Texas*, II, 177.
[27]*Ibid.*, II, 183.

assume authority as commander-in-chief until the subject could be more fully considered by the officers.

Felix Huston, who had arrived in camp on July 4, according to his account, was one of the leaders in the refusal to receive Lamar, though he pretended to be acting only as an agent for the others.[28] At a meeting of the officers shortly after he arrived in camp, Huston said, all present were willing to acknowledge the merits of Lamar, but that they denied the power of the Cabinet to supersede General Houston and they would not consent to the destruction of General Rusk. He suggested the appointment of a committee to meet General Lamar and acquaint him with the desires of the officers. The committee was appointed, and resolutions drawn up as follows:

Resolved, That this meeting highly appreciate the gallantry and worth of General Lamar, and will be at all times ready to receive him with the cordiality and respect due to his personal and military acquirements.

Resolved, That Colonel B. F. Smith and Colonel H. Millard be appointed a committee to wait on General Lamar, and tender him the respects of this meeting, and inform him that, there being some question of the propriety of his appointment by the President as major-general of the Texan army, by which he is directed to assume the chief command of the army, he is requested by the officers present not to act in his official capacity of major-general until the subject may be more maturely considered by the meeting of the officers of the army.[29]

Lamar, unwilling to accept the statement of the officers as to the resistance to his assumption of command, determined to address the army. In his speech he dwelt on his service in the battle of San Jacinto. Since then he had been on the point of returning to the United States when news came that the Mexicans were preparing to invade Texas again, and he immediately made his plans to join the army. He was not anxious to lead the army if they did not want him, but would cheerfully take his place in the ranks. After he had spoken Rusk, Green, and Huston spoke,

[28]Yoakum, *History of Texas*, II, 185. Yoakum makes the mistake of accepting unquestioningly Huston's version of this event. The main facts related are essentially correct, but it takes no cognizance of the intrigues of Green and Huston for the chief command, and the desire of Rusk to retain it, largely influenced by them.

[29]Yoakum, *History of Texas*, II, 184, note.

and then the army voted. This resulted in only 179 votes for Lamar, and probably 1500 against him, most of the opponents being in favor of General Sam Houston. Lamar, in his report to President Burnet, July 17, said:

Everything is in the utmost confusion and rebellion. On my arrival I was informed that I could not be recognized as Commander in Chief. I proposed to speak to the soldiers, and did so, but was answered by Rusk, Green, and Felix Houston, who carried the popular current against me. I had an open rupture with Genl Rusk, believing it to be the secret arrangements of his to supplant me. Some hostile correspondence ensued; which instead of leading to further difficulty, has resulted in this arrangement, viz, that he is to recognize my orders in the future; that the regulars and about 6 or 8 volunteer companies are to march to another encampment under my command; where I shall issue my orders as Commander in Chief to the balance of the army of Texas, and if Green and Felix Houston still maintain their present attitude of rebellion to my authority, I shall punish them by Court Martial if possible, and if not shall report them to Congress. You will perceive from this dreadful state of affairs the high and absolute necessity of convening a Congress.

Before he had finished his report, however, the plan outlined had become untenable. "Since writing the above," he added in a postscript,

Genl Rusk has recd a letter from Genl Greene stating his determination not to obey any orders issued by virtue of my authority denying the validity and constitutionality of my appointment. Genl Rusk says he will *now* stand by me in defense of the Civil authority; he sees his own power departing as well as mine; the whole has been produced by his desire for promotion, and finding that his new allies are not aiming at his support but at their own aggrandizement, he is willing to cooperate with me; but I fear that nothing that he can now do will be of any service in the cause of restoring that authority which his previous conduct has prostrated.[30]

Realizing the hopelessness of securing control of the army with Green and Huston intriguing against him, Lamar withdrew. The failure of the Mexicans to make the threatened invasion caused the army to become reduced shortly after, and apparently no ill results followed the mutiny. That the opposition of the army was

[30] *Lamar Papers*, No. 414.

not due to any unpopularity of Lamar is evident, for in spite of this seeming reverse he continued to hold the esteem of the people for a number of years, receiving in succession election to the Vice-Presidency and the Presidency.

On July 23, 1836, President Burnet issued a proclamation calling for the election of a President, Vice-President, and Congress. At the same time the voters were to vote on the ratification of the Constitution which had been adopted by the Convention in March, and to decide upon the question of annexation to the United States. The election resulted in the choice of Houston as President and Lamar as Vice-President. The Constitution was adopted, and the vote for annexation, if it could be obtained, was almost unanimous. There was only a nominal opposition to Lamar, and his majority over all opponents was 2,699.[31]

The Constitution provided for the installation of the new government on the second Monday in December. The new Congress had assembled on the fourth of October, however, and there was considerable agitation in Congress for the installation of the President and Vice-President at an earlier period than that provided by the Constitution. Consequently, on October 22, Burnet announced his readiness to retire, and as Vice-President de Zavala had resigned the preceding day, the Constitutional President and Vice-President were inaugurated. Lamar confided to his diary the current impression that Burnet had been forced out by Houston's activity, and foreshadowed his own failure to get along harmoniously with Houston. He wrote:

> Houston was so anxious to enter upon the duties of his office, that Burnet was forced by the threats of members of Congress that if he did not retire for the new President he would be pushed out. The Constitutional period for the installation of the President had not arrived as yet by a month. Houston could not wait. Burnet was forced to retire. Austin advised him to do it for the sake of peace; and insinuated that if he did not Congress would probably push him out. This was the first act of the government, a palpable violation of the Constitution. That little month Houston could not wait; nor could the hungry expectants brook the delay who were looking forward to presidential favors.[32]

[31]Brown, *History of Texas*, II, 99.
[32]*Lamar Papers*, No. 521.

Lamar delivered his inaugural address to both houses of Congress on October 22, and on the 24th he addressed the Senate on taking his seat as presiding officer. He stated that he was entirely lacking in knowledge of parliamentary procedure, but promised to be impartial. He said that he could not be expected to exercise any influence over legislation, but he wished to call their attention to two evils, defamation of the character of opponents, and "Party." By party he did not mean taking sides on any measure, but organizations for advancing the interests of some favorite, thus recalling his own experience with party organization in his race for Congress in 1833.[33]

As presiding officer in the Senate Lamar's duties were not onerous, and for several months after his inauguration he busied himself collecting material for a history of Texas. The adjournment of Congress on December 21, had given him all the time needed for this, and he traveled over the Republic collecting material from original settlers.[34]

In May, 1837, Lamar returned to Georgia for a visit. He was received with honor everywhere. Many public dinners were given him, and he found all the opportunities he desired for making public addresses. He had hardly arrived in Georgia, however, before his friends in Texas began importuning him to return. Richard R. Royall wrote him on May 7, urging him to return to Texas to look after his presidential prospects.[35] Complaints were made of Houston's incompetency, his excesses in drinking and gambling, and his evident wish to retire. Finally, the Senate, September 30, 1837, passed in secret session a resolution "requesting and enjoining" him to return in view of Houston's illness and a threatened invasion by the Mexicans.[36] He returned in the latter part of October and resumed his seat as presiding officer of the Senate on November 8, when he delivered his customary address.

It seems that almost from the beginning Lamar was looked upon

[33]*Lamar Papers*, No. 469.

[34]Among his collected papers for this period are Reminiscences of Henry Smith, 1788-1836; Reminiscences of Richard R. Royall, 1835-1836; Miscellaneous Notes on the history of Austin and Texas; Peter W. Grayson's visit to Mexico to release Austin.

[35]*Lamar Papers*, No. 550.

[36]*Lamar Papers*, Nos. 554, 558, 598, 601.

as the logical successor to Houston in the presidency. The letters I have referred to all spoke of the necessity for Lamar's return in order to look after his presidential prospects. The first formal move toward putting his name before the people was on December 1, 1837, when eleven out of the fourteen members of the Senate sent him a letter asking him to accept the nomination. They wrote:

> In our anxiety to select the most suitable person to fill the office of President of this Republic, at the expiration of the term of General Sam Houston, we are satisfied from a knowledge of your character civil and military that you would be his most appropriate successor.
>
> We respectfully request that you would inform us if you will permit your name to be used as a candidate for that high office. In making this request we are confident and happy in the belief that we express the wishes of a large majority of our fellow citizens.[37]

Before responding to this letter, Lamar, on December 7, wrote a note to T. J. Rusk, who had also been mentioned as a candidate for the presidency, asking Rusk's intentions with regard to the office, and expressing his intention to decline the nomination should Rusk desire to run. The action of both of these men under these circumstances is so unusual that I feel constrained to quote the correspondence in full. Lamar wrote:

> I have just received a letter from several distinguished gentlemen, our mutual friends inviting me [to] become a candidate for the next Presidency. As you have been spoken of frequently for the same high office I am anxious to see you before I give a final answer. It is important that harmony at all times should be preserved in our country and at the present period any violent contest for the Chief Magistry could not fail to be extremely prejudicial to the peace and prosperity of the country, but might prove fatal to its best hopes. I know that you as well as myself must deprecate these consequences, and with a view to avoid them, I think it all important that we should have a free and unreserved conference and by comparing our views come to some conclusion which whilst it may be satisfactory to ourselves will be most conducive to public interest. I shall be at my room at about 2 o'clock, when I hope it will be convenient for you to call upon me.

[37] *Lamar Papers*, No. 623. The Senators signing this were S. H. Everitt, J. S. Lester, I. W. Burton, Wm. H. Wharton, E. Raines, A. C. Horton, John Dunn, S. C. Robertson, D. Rowlett, G. W. Barnett, and Edward T. Branch.

To this letter Rusk responded on the same day as follows:

Your note of this morning has been received informing me of a request having been made by several distinguished gentlemen to you to become a candidate for the Presidency of the Republic at the next election and desiring a free and unreserved conference between us on that subject before you answer their communication. I fully subscribe to the propriety of the course you suggest and am proud to say that it gives me another proof in addition to the many I have already had of your patriotism and desire to promote the harmony and good of the country. From a press of business it will not be in my power to call at your room at 2 o'clock this evening but I hope you will not on my account have any hesitancy in giving your consent to the request alluded to as there is no design or desire on my part to have my name before the people for any office whatever. As the representative of my country I feel bound to discharge to the best of my abilities the duties of the Station; but beyond this my private affairs and domestic obligations so long neglected imperiously demand my attention and will not permit me to think of public life beyond the discharge of those military obligations in the hour of danger which I hold paramount to all other considerations. But I shall be pleased, dear sir, to see your name before the people for the office of Chief Magistrate and shall be happy to sustain you in your labors for the welfare of the country to which we are both under many obligations for *confidence reposed and honors conferred.*

After the receipt of this letter, Lamar replied to the Senators accepting their suggestion that he stand for the presidency. He expressed his gratitude that the request came from those over whom he had presided in the Senate. "I can only say in answer," he said, "that I came to this country for the sole purpose of subserving the great objects of the revolution. Until those objects are fully achieved, I do not feel myself at liberty to decline the duties of any station, however high or humble to which the voice of my fellow citizens may call me."[38]

The nomination of Lamar by the Senate was followed by public meetings which nominated him throughout the Republic. The first of these was at Richmond, his home town, on April 17, 1838, when he and Burnet were nominated. On April 21, a meeting at Columbia took similar action. On April 23, a large public meeting in Galveston nominated Lamar. A large gathering met in the Hall of the House of Representatives in Houston on May 19,

[38] *Lamar Papers*, No. 631; *Telegraph and Texas Register*, June 2, 1838.

and after much oratory adopted resolutions favoring the election of Lamar to the presidency. These nominations were all from west of the Trinity. On May 10 a public meeting at San Augustine, in the extreme east, nominated Lamar and Joseph Rowe.[39] The opposition was represented by the candidacy of Peter W. Grayson, who had been Attorney-General in Burnet's cabinet and later commissioner to the United States; James Collingsworth, the first chief-justice of the Supreme Court, and Robert Wilson.

The campaign abounded in personalities. Lamar was accused of getting more than his legal share of public land,[40] which was denied by his friends. He was accused of being ineligible for the presidency, not having been a citizen for three years. In reply to this, he brought out affidavits from men showing that he had made a public address at Washington in the summer of 1835 in which he announced his purpose of becoming a citizen of Texas. He stated, also, that it was strange that after the public service he had performed the question of his eligibility should come up.[41] The Galveston *Civilian,* which was especially bitter against Lamar, claimed that he was afflicted with partial insanity. To this the *Telegraph and Texas Register* replied that "we sincerely regret that his disorder is not contagious, in order that the country might reap some benefit from it even before election."[42] An effort was made to turn the election along sectional lines, and Lamar, the candidate of the West, was constantly urged by his friends in the East to concentrate his campaign in that section.

The election was to be held on September 3. Before that time both of Lamar's principal opponents had committed suicide, Grayson by shooting himself at Bean's Station, Tennessee, and Collingsworth by drowning in Galveston Bay. It seems evident that Lamar would have been elected by an overwhelming majority had his opponents lived and continued in the race. There was some effort made to turn all the opposition to Collingsworth after the death of Grayson on July 9, but with little success. The death of Collingsworth shortly after that of Grayson made any opposition hopeless. Wilson had never been considered seriously in the

[39]*Telegraph and Texas Register,* April 25, May 2, June 2, 1838.

[40]Quoted from the Galveston *Civilian,* in *Telegraph and Texas Register,* August 4, 1838.

[41]*Lamar Papers,* No. 746; *Telegraph and Texas Register,* June 30, 1838.

[42]*Telegraph and Texas Register,* June 30, 1838.

race, and the election resulted in his receiving only 252 votes, while Lamar received 6,995.[43] The only real contest was for Vice-President, and D. G. Burnet, on the Lamar ticket, was elected by a majority of 776 votes over the combined votes of A. C. Horton and Joseph Rowe.

[43]Thrall, *Pictorial History of Texas*, 300; Bancroft, *North Mexican States and Texas*, II, 313; Yoakum, *History of Texas*, II, 245.

Chapter III

PRESIDENTIAL ADMINISTRATION: DOMESTIC AFFAIRS

In an address to the Senate, November 5, 1838, on retiring from that body preparatory to his inauguration as President, Lamar stated that it would be inconsistent with the occasion to call attention to any specific measures which he might desire, but he considered it proper to say that a crisis had arrived when the question of separate national existence was to be settled.

> If we will but maintain our present independent position—diffuse knowledge and virtue by means of public education—establish a sound and wholesome monetary system—remove the temptation and facilities to every species of peculation and unrighteous gain—make truth, virtue and patriotism the basis of all public policy—and secure the confidence of foreign nations by the wisdom of our laws and the integrity of our motives, I cannot perceive why we may not, within a very short period, elevate our young republic into that political importance and proud distinction which will not only command the respect and admiration of the world, but render it the interest of the nations now discarding our friendship, to covet from us those commercial relations which we vainly solicit from them.[44]

In his inaugural address on December 10, while refraining from announcing a policy on domestic affairs, he came back to the idea of independence, expressed in his address to the Senate. He said that notwithstanding the overwhelming sentiment in favor of annexation, he had never been able to discover any advantage, either civil, commercial, or political in forming a connection with a country already torn with strife. In his first annual message to Congress, December 21, he did outline his policy with regard to the administration.

In this message, which was a long one, he recommended the appropriation of land for the establishment of a public school system and a University; a uniform municipal code; the establishment of the Common Law of England by Statute; the gradual return to free trade, and substitution of direct taxation for import duties; the establishment of a national bank. He announced that

[44] *Lamar Papers*, No. 867.

his policy towards the Indians would be directly opposite to that of his predecessor, who was held to have been too lenient. He hoped for recognition of Texan independence by the European governments, and for a favorable commercial treaty with the United States.[45]

In discussing the action of Congress on these recommendations I shall take up the policies of the President in more detail. As there was no further action taken either by the President or Congress on the subject of a national bank, I shall give at this place an outline of the plan suggested by Lamar.

After expressing strong objections to private incorporated banks, and tracing the history of the Second United States Bank, claiming that the United States Bank had created a sound currency, he expressed himself as favoring a national bank owned exclusively by the government. It should be incorporated for a suitable number of years, founded on a specific hypothecation of a competent portion of the public domain, with the guarantee of public faith, and an adequate deposit of specie. It was to be the depository of public funds, and was to deal in foreign exchange. He realized that real estate was not readily commutable, and that the daily needs of commerce and trade needed specie itself, or "that active and undoubted credit, of which a known and sufficient deposit of the metals, or something equivalent to them, is the proper basis." He had no plan for securing the specie, but trustfully dismissed the matter by saying, "It is believed the proposed bank would be amply furnished with that equivalent—and to all necessary extent with the actual metallic deposit itself."

The directors were to be chosen from the best qualified men of the country without reference to their political opinions. The whole number of directors was to be divided into three sections, one section to retire every year without reeligibility until after three years. The Congress was to elect the directors by joint ballot, and the Senate was to appoint the president of the bank on the nomination of the President of the Republic. He ended by saying that he had spent so much time on it because he felt strongly its importance. Notwithstanding the time spent in thinking out such a scheme, and the large proportion of the message applied

[45] *Telegraph and Texas Register*, December 26, 1838; *Lamar Papers*, No. 948.

to it, no effort was made to follow it up with legislation. It is only an instance of Lamar's inability to follow out in practice the schemes he was able to suggest.[46]

I. Education

Next to the plan for a national bank, Lamar devoted the greater part of his message to a discussion of the need of public education, and to an outline of a policy. The people of Texas had been too busy to attend to the establishment of an educational system. Under the administration of Houston various schools and colleges had been chartered, but this in no sense constituted the establishment of a system of public education aided by the State. Hence, Lamar can be credited with initiating and carrying through a school system which was to become permanent, and which is the foundation of the public school system in Texas today.

He had given a hint of his attitude toward public education in his address to the Senate on November 5. In his message of December 21, he said that if it was desired to establish republican government upon a broad and permanent basis, it would be the duty of Congress to adopt a comprehensive and well regulated system of moral and mental culture. Every person had an interest in public education, he said, and the subject was one in which there were no jarring interests involved, and no acrimonious political feelings excited. "It is admitted by all," he continued, "that cultivated mind is the guardian genius of Democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that freemen acknowledge, and the only security which freemen desire." His recommendation was that "a liberal endowment which will be adequate to the general diffusion of a good rudimental education in every district of the Republic, and to the establishment of a University where the highest branches of science may be taught, can now be effected without the expenditure of a single dollar—postpone it a few

[46]His advocacy of a national bank is probably an echo of the struggle for a recharter of the Second United States Bank. During the Nullification struggle Lamar became definitely estranged from Jackson to the extent of adopting some of the principles of the other party. The training he received in Georgia from 1825 to 1835 is constantly showing itself in his Texas activities. It is interesting to note that Houston, who was an ardent admirer of Jackson throughout, ridiculed Lamar's idea of a national bank.

years, and millions will be necessary to accomplish the great design." His idea was that an appropriation of lands for that purpose would be no hardship, and would constitute the best endowment for the school system.

The part of the message relating to education was submitted to the committee on education in the House, and early in January a bill was presented in harmony with Lamar's suggestions. It speedily passed both Houses of Congress and received the signature of the President on January 26, 1839. It provided that each county should have, in tracts of not less than 160 acres, three leagues of land for primary schools. If a county did not have within its limits enough good land vacant, it was entitled to survey any unoccupied land in the Republic. For two colleges or universities fifty leagues were to be set aside, and not to be disposed of except by lease.[47] On the same day an act was passed incorporating the "College of DeKalb." The act named a board of superintendents or trustees, exempted the property from taxation, authorized the board to employ teachers, suppress nuisances, and collect a fine from any liquor dealers within a half mile of the college. Four leagues of land were granted by Congress to this institution for buildings and apparatus, and for the promotion of arts, literature and sciences. This was but one of several acts appropriating land in aid of private institutions.

The act appropriating lands for the benefit of a general school system, January 26, 1839, like so many acts of the Republic, provided no method of administering its provisions. The next session of Congress took steps to remedy this defect. On February 5, 1840, an act was approved "to provide for securing the lands formerly appropriated for the purposes of Education." The Chief Justice and the two Associate Justices in each county were designated as school commissioners. They were instructed to locate the three leagues provided for under the Act of January 26, 1839, as early as possible, and to cause to be surveyed and sold an additional league for the purchase of scientific equipment, one-half of the proceeds to be used for the benefit of an academy in each county, and the remainder distributed equally among the common school districts. The commissioners were to establish schools, and examine applicants for positions as to good moral character and

[47]Gammel, *Laws of Texas*, II, 135.

literary qualifications. They were not to grant certificates to teach in academies unless the candidates gave satisfactory evidence of good moral character, and were graduates of some college or university; for common schools the applicants should be of good moral character, and be able to teach reading, writing, English grammar, arithmetic, and geography.[48]

It should be said that the generosity indicated by these acts was more apparent than real. The settlers in Texas were few and land was abundant. Besides, the frontiers were surrounded by hostile Indians, who interfered with the survey of the lands. This situation, and the lack of specie, led to a delay in securing the lands appropriated, and it is probable that only a small quantity had been actually taken up by the counties entitled to it when the Republic came to an end. The acts are important, however, as furnishing the foundation for the educational system subsequently established.

Another interesting suggestion, which seems to have received no attention, is found in Lamar's second annual message, November 12, 1839, when he advocates the creation of the "Home Department." This was to have supervision of a system of education suited to the condition and policy of the country. "Congress at its last session," he said,

> in accordance with a wise, liberal, and enlightened policy, made large appropriations of land for the endowment of colleges, academies, and primary schools. But the appropriations, though liberal, will require the utmost care and management and application, to make them equal to the important work which is to be achieved. In their present condition, they can be regarded only as the foundation of a fund, which, by judicious measures, and well digested plans of operation, may be husbanded and increased until it shall be amply sufficient for all the purposes intended: but, without such measures, it may be frittered away in useless experiments, or swallowed up in the prosecution of visionary schemes, which can result in no permanent good to the country. It is, therefore, my deliberate opinion that if no other advantage was expected to be derived from the establishment of a bureau of education, than such as would result from a judicious management of its funds, that advantage alone would be sufficient to justify the expenses required for the support of such a bureau.

[48] *Ibid.*, 320-322.

One advantage of this would be a uniform system in the schools and universities, which would maintain "the sacred principles of free institutions." If despotic systems could maintain themselves by a system of national education, he asked, why could not a representative republic? He would say to the government, "Open wide the doors of knowledge, but keep the key of the temple."[49]

II. Finances

From the beginning to the end of the existence of Texas as an independent republic, the most serious problems confronted by her statesmen were in raising revenue and providing for the financial administration. With little money except that contributed by friends in the United States, she became independent in 1836, just before the panic of 1837 swept over the United States and brought about a failure of that source of funds during the trying days when the people of Texas were attempting to establish their government. In the absence of specie, many expedients were tried to provide funds for the government and as a circulating medium for trade. A moderate tariff on imports, an unenforced and unenforceable direct tax, and a foreign loan were tried, and, these all failing to supply funds, the printing presses were put to work turning out paper money which depreciated as soon as issued. When Lamar assumed the presidency in December, 1838, he found all these methods of raising money in use.

By the ordinance creating the provisional government, passed by the Consultation, November 13, 1835, power was granted to the General Council "to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be the most expedient." Under the authority of this provision the General Council in December, 1835, passed an ordinance creating collection districts and providing for the collection of duties on imports at a rate of 25 per cent *ad valorem*. No duties were collected under this act, however, and on March 12, 1836, the constituent convention declared that the provisional government had exceeded its authority in levying import duties, and ordered a refund if any duties had been paid.[50]

[49] *Telegraph and Texas Register*, November 27, 1839.

[50] Christian, "Tariff History of the Republic of Texas," in *Southwestern Historical Quarterly*, XX, 316.

The first Congress under the Constitution met early in October, 1836, and in his message to Congress President Burnet said:

> Duties on imports, and in some cases on exports, constitute a convenient and economical mode of supplying the public necessities, and are less onerous to individuals than almost any other impost. . . . When the abundant intrinsic resources of our country shall be fully developed, then it may be the glory of Texas to invite kindred nations of the earth to an unembarrassed inter communication of their diversified products.[51]

Acting in harmony with this suggestion Congress passed a tariff act, to become effective June 1, 1837, which was signed by Houston, who had, in the meantime, been inaugurated as the first President under the Constitution. The policy of the government, as indicated by this act, was to place a rather heavy duty on luxuries and a comparatively light one on necessities. For example, on wines and silks an *ad valorem* duty of 45 and 50 per cent, respectively, was charged, while on necessities, such as breadstuffs, coffee, sugar, and other articles, the duties ranged from 1 per cent to 10 per cent *ad valorem*. All unenumerated articles were to pay duty at the rate of 25 per cent *ad valorem*, as in the act of December, 1835, under the provisional government. No provision was made for collection districts, and no collectors were appointed before the enactment of another tariff act in June, 1837.[52]

On June 12, 1837, a more comprehensive tariff bill was approved by the President. The preamble to the act declares its purpose to be to raise a public revenue by import duties, to aid in defraying the public expenses, sustaining the public credit, and securing to the public creditors a fair annual or semi-annual interest on their stock in the funded debt. Most foodstuffs were admitted free of duty, the list consisting of breadstuffs, including corn, wheat, barley, and oats; pickled beef, salted and smoked pork, neat's tongue; potatoes, beets, beans, rice, and vinegar. Another free list included tools of trade, lumber and building materials, firearms and ammunition. Luxuries were required to pay a high duty, as in the earlier act, and on all unenumerated ar-

[51]First Congress, First Session, *House Journal*, 13.

[52]Christian, "Tariff History of the Republic of Texas," in *Southwestern Historical Quarterly*, XX, 318.

ticles the rate was to be 25 per cent *ad valorem*. This act was amended in December by an act which materially extended the free list by adding sugar, coffee, tea, salt, iron, steel, household furniture, cotton bagging, bale rope, books, stationery, machinery of all kinds, wagons, carts, harness, and all necessary farming utensils. This act continued unchanged until February, 1840.[53]

Two direct tax acts were passed before the beginning of Lamar's administration, the first on June 12, 1837, and the second on May 24, 1838. The first provided for an *ad valorem* tax of one-half of 1 per cent on all property, and for cattle and horses belonging to citizens of the United States, one dollar a head.[54] In the act of May 24, 1838, the policy of enumerating the property was adopted, and the list subject to direct tax included land, slaves, horses over two in number, cattle over twenty-five in number, watches, clocks, and pleasure carriages. The rate continued as in the first act.[55]

Opposition to the tariff developed before the system got under way. While the act approved December 18, 1837, was under discussion in Congress a resolution was introduced in each House calling for the abolition of all tariff laws. The resolution failed to come to a vote in the House, but in the Senate it was defeated by a vote of seven to three.[56] In the Third Congress, which met on November 5, 1838, several resolutions similar to the ones introduced in the preceding Congress were introduced in both House and Senate and referred to committees.

While these resolutions were under consideration by the committees the *Telegraph and Texas Register,* one of the most influential newspapers of Texas during this period, came out in support of them. The editor, Francis Moore, Junior, in discussing the resolutions for the abolition of the tariff, said that he had long desired to see such a measure carried into effect. He thought that whatever sums were needed to defray the expenses of government were better raised by a direct tax; that duties were unequal, unjust, and evaded by smugglers. The tariff was not necessary to maintain the standard of the currency, he said, as that was maintained

[53]*Ibid.*, 321-324; Gammel, *Laws of Texas*, I, 1313, 1314, 1490.

[54]Gammel, *Laws of Texas*, I, 1319.

[55]*Ibid.*, I, 1514.

[56]Christian, "Tariff History of the Republic of Texas," in *Southwestern Historical Quarterly*, XX, 325.

by the confidence of the people. He thought that free trade would be wise, as the adjoining States of the United States and Mexico would be induced to get their supplies through Texas, since they were suffering under a burdensome tariff system.[57]

This, then, was the situation when Lamar came into office on December 10, 1838. Moderate tariff and direct tax laws were on the statute books, but the campaign for free trade and increase of direct taxes had begun. In his message to Congress on December 21, Lamar sympathized with the free trade idea, but advised against any change in the tariff laws until some other system could be devised as a sustitute. "The decided bias of my mind," he said,

> is for the total abolition of all duties on imports, not only because it would comport with that freedom of commerce so closely connected with the fundamental rights of man, but because it would be peculiarly adapted to the future condition and policy of Texas. While I am aware, that by indirect taxation in the nature of a Tariff, the people bear the burden as consumers without scarcely perceiving it, . . . yet still I look forward to a period (I hope near at hand) when we shall be able, and will find it to our interest, to invite the commerce of the world to our free and open ports. This, however, from considerations of a high public policy, may not be done until our national independence shall be generally acknowledged. The radical policy of Texas is anti-tariff, . . . yet the immediate adoption of free trade as is proposed by many of our citizens and statesmen, would in the present situation of our country exhibit an apparent recklessness and imprudence, which could not fail to affect our credit abroad.[58]

The House committee to which had been referred the various resolutions and petitions on the tariff agreed with Lamar that no change should be made at that time. The only alternatives to the tariff as a source of revenue were direct taxes and loans, neither of which was advisable or practical at that time—besides, all articles of prime necessity were admitted free of duty. The Senate committee, on the other hand, after agreeing that it was inexpedient to abolish the tariff until a loan could be effected or direct taxes levied on all lands, examined the arguments for and against the tariff, and came to the conclusion that all tariff laws should

[57] *Telegraph and Texas Register*, November 14, 1838.

[58] Third Congress, *House Journal*, 180, 181; *Lamar Papers*, No. 361; *Telegraph and Texas Register*, December 26, 1838.

be blotted from the statute books. The strongest argument for repeal, they thought, was that the Republic would receive more favorable notice from England and a recognition of independence if free trade were adopted, and that recognition would expedite the making of a loan. Finally, they thought that a land tax was much more just and equal. Both Houses having adopted the recommendation of the President, all tariff bills were dropped for that session of Congress.[59]

The ministers sent to the United States and the European countries were instructed to hold out a promise of commercial concessions in Texas in return for recognition of independence or a favorable commercial treaty. On November 7, 1838, a most favored nation agreement was entered into with France, and a year later recognition was extended by that country and a treaty of amity, commerce, and navigation was drawn up. As a result of this treaty, and because negotiations were under way with England, Holland, and Belgium, which might be aided by a reduction in the tariff, an act was passed in February, 1840, reducing the tariff almost to a free trade basis. The general rate of this tariff was 15 per cent *ad valorem,* payable in any kind of currency, and, as depreciation was very great, the actual rate was nearer 3 per cent. In February, 1841, the rates were increased to 45 per cent *ad valorem,* in order to provide for the depreciation, but the specie basis continued as in the act of 1840. This free trade policy continued throughout the administration of Lamar.

To meet the needs of the government under the anticipated reduction of the tariff duties, a comprehensive direct tax law was passed. Before this direct taxes had played a minor part in the finances of the Republic, with the opponents of a tariff advocating a direct tax as more just and equal than an indirect tax. By the act of 1840 only a few articles were subjected to an *ad valorem* tax, but a large number to a specific tax. Practically all businesses were reached by license taxes. The failure of this measure to supply revenue, together with the depreciation, were responsible for the revision upward in 1841.[60]

Another policy adopted by the preceding administration for securing revenue was through a foreign loan. On November 18,

[59]Christian, "Tariff History of the Republic of Texas," as cited, XX, 329.
[60]*Ibid.,* XX, 336-338; XXI, 1.

1836, shortly after the constitutional government came into office, the first of the five million dollar loan acts was passed. The bonds were to run from five to thirty years and bear interest at the rate of 10 per cent, and the public faith, the proceeds from land sales, and all land taxes after 1838, were pledged to guarantee the interest and final redemption.[61] This law was modified slightly by an act of May, 1838, in order to make the bonds more salable. Commissioners were sent to the United States to sell the bonds, but at the accession of Lamar no sales had been made. In his message to Congress he expressed himself as favoring a further effort to secure a foreign loan, and suggested a modification of the previous acts.

The law of January 22, 1839, followed out his suggestions. In addition to the public faith, the proceeds from land sales, and the land taxes, this law pledged the revenues from customs to guarantee the semi-annual interest, and to create a sinking fund.[62] This was modified further by the act of January, 1840, whereby the sinking fund was to be $300,000 or more, to be provided from the sale of public lands, or if the lands should not be brought on the market, from other revenue.[63]

It would be unprofitable to follow out in detail the various efforts to secure a loan in the United States and Europe.[64] On December 24, 1838, James Hamilton of South Carolina, who had interested himself in the affairs of Texas and had assisted the Texan commissioners under the act of May 16, 1838, was appointed as loan commissioner to assist the commissioner appointed by Houston. In the fall of 1839, the commissioners succeeded in securing from the Pennsylvania Bank of the United States the sum of $457,380 in return for the 10 per cent bonds of Texas. With this loan in the United States the commissioners went to Europe, where for two years they were active in France, Belgium, and Holland. At one time in 1841 it seemed that they were about to secure the guarantee of the French government for the bonds, and the banking house of Lafitte and Company were on the point

[61]Gammel, *Laws of Texas*, I, 1092-1093.

[62]*Ibid.*, I, 1484.

[63]*Ibid.*, II, 230.

[64]An extensive discussion of the loan negotiations is found in H. R. Edwards, "Diplomatic Relations between France and Texas," in *Southwestern Historical Quarterly*, XX, 225-241.

of opening books for their sale, when the unfavorable report of Saligny, the minister to Texas, caused the French government to withhold the guarantee, and the banking company refused to handle them. All efforts to secure a foreign loan failed, and during the succeeding administration the loan acts were repealed.[65]

During the whole of Lamar's administration optimistic and pessimistic reports alternated with regard to the loan negotiations, and the people were kept in a state of excitement. It seems certain that anticipation of success caused extravagance on the part of the government and speculation on the part of the people, while paper money was issued to be retired by the loan.

Lamar has been criticised by contemporaries and historians for the extensive use of paper money during his administration, but in this he was not the first offender.[66] The constitutional government inherited from the provisional government a debt represented by audited treasury drafts amounting to more than a million dollars. The constitutional government passed an act on June 7, 1837, for funding these liabilities. This act provided that all claims against the government, after having been audited, were to be received at par in exchange for ten per cent bonds. Until June 12, 1837, audited drafts were received in payment of all government dues, though they were not made legal tender as between individuals. Before this the depreciation had brought their specie value to fifteen cents on the dollar. The amount of drafts issued to the beginning of Lamar's administration was $2,105,892.82, while during his presidency the amount was $4,881,093.47.[67]

The act of June 9, 1837, started Texas upon her tempestuous experience with paper money. It authorized and required the president to issue the promissory notes of the government to the amount of $500,000, in denominations of not less than $1 nor more than $1,000, payable twelve months after date, and drawing interest at 10 per cent. There were pledged for their redemption one-fourth of the proceeds of the sales of Galveston and Matagorda islands, 500,000 acres of land, all improved forfeited lands, and the faith and credit of the government. The notes were to be paid out only for the expenses of the civil departments of the

[65]Miller, E. T., *A Financial History of Texas*, 60, 61.

[66]Miller, *A Financial History of Texas*, 59-82, gives an exhaustive account of the public debt of Texas under the Republic. For statistics and other material I am indebted to this volume.

[67]Miller, *op. cit.*, 65.

government, except $100,000 for the purchase of horses and munitions of war, and they were receivable in all payments to the government.[68]

At the beginning of Lamar's administration more than $800,000 of these notes had been issued and were in circulation. It must be said, however, that Houston disapproved excessive issue of treasury notes, and vetoed a bill to increase the amount to $1,000,000 on the ground that an increase would destroy the value of the notes already issued.[69] The depreciation of the notes at the beginning of Lamar's administration was from fifteen to fifty per cent.

The first paper money issues of Texas had served a valuable purpose as a temporary expedient, said Lamar in his first message to Congress, "but experience admonishes us that to urge it further, or continue it longer, would be equally injudicious and prejudicial." In the place of currency issued by the government he favored currency issued by the national bank, which he advocated with so much fervor, and the bank was to issue the currency on specie which would be secured through a foreign loan.[70] In spite of this apparent turning away from paper money, however, Lamar approved, during his administration, bills providing for almost unlimited issue of money based on nothing more than the faith in the government.

The contribution of Lamar's administration to the paper money of the Republic was the "red backs" or non-interest bearing promissory notes. By the act of January 19, 1839, requiring the stock books to be opened for funding the government liabilities, it was provided that the notes thereafter issued should not bear interest, and should be receivable for all government dues. The only thing that prevented their use as unlimited legal tender, apparently, was the provision in the Constitution against the use of anything save gold and silver as legal tender. Further additions were authorized by the act of February 5, 1840, and the act of February 5, 1841, placed no other limit on the issue than the amount of appropriations.[71] From January 1, 1839, to Septem-

[68]Miller, *op. cit.*, 67.

[69]*Ibid.*, 69.

[70]*Lamar Papers*, No. 361; *Telegraph and Texas Register*, December 26, 1838.

[71]Miller, *op. cit.*, 69.

ber, 1839, there were $1,569,010 of notes issued, and from September, 1839, to September, 1840, $1,983,790, a total of $3,552,800. The expenditures of the Lamar administration are responsible for this enormous increase in the public liabilities.

The first issues of the red-backs were valued only at about 37.5 cents on the dollar; in November, 1840, they had fallen to 16.66 cents; and at the close of Lamar's administration in November, 1841, they varied from 12 to 15 cents. The New Orleans quotations were for July 7, 1841, 11 to 13 cents; for September 22, 13 to 15 cents; for November 24, 12 to 13 cents; for December 15, 10 to 12 cents; and for January 5, 1842, 8 to 11 cents. After 1839 the notes ceased to circulate as a medium of exchange and became merely objects of speculation.[72]

Various funding schemes were undertaken to relieve the condition of the currency, but none of them was effective, and the administration came to a close with the country almost bankrupt.

The explanation for the excessive use of paper money is to be found in the consistent expenditure in excess of receipts. There was not a year in the period of the Republic when the expenditures were not greatly in excess of the receipts. During Houston's administration the receipts from all sources amounted to $260,780 while the expenditures amounted to $1,777,362. The receipts during the three years of Lamar's administration amounted to $1,083,661 and the expenditures for the same time were $4,885,213.[73]

[72]Miller, *op. cit.*, 70.

[73]The following tables compiled by Professor E. T. Miller of the University of Texas illustrate the difficulties under which the government was working, and explain the financial conditions in the Republic. (*A Financial History of Texas*, 391.)

Revenues of the Republic

1836-1838	$ 260,780
1839	187,791
1840	453,235
1841	442,635
1842-1844	457,518
1844-1846	385,023

Expenditures

1836	$ 495,295
1837	945,961
1838	831,401
1839	1,504,173
1840	2,174,752

The great increase in expenditures during Lamar's administration is due to the policy of warfare against the Indians, the great increase in the civil list, the payment for the navy contracted for under Houston's administration, the removal of the Capital from Houston to Austin, and for the Santa Fé expedition. The civil list in the first year of Lamar's administration was $550,000 as compared with $192,000 for the last year of Houston's administration. After the first year the civil list declined, being $347,671 for 1840 and $255,100 for 1841. The heaviest appropriations were for the army in both administrations. The first year of Houston's administration $700,000 were appropriated for the army. This increased the following year. The first year of Lamar's administration the appropriation for this purpose amounted to $1,140,000; the second year, $1,056,369; while for the third year it dropped to the lowest figure since the beginning of the Republic, $111,050. The explanation for the increase in 1839 and 1840 is to be found in the Indian policy pursued. During the first two years of his administration Lamar pursued a policy of constant warfare against the Indians, expelling some of the tribes from the country and punishing others so that they removed to the frontier and made only occasional raids against the Whites. A comparative statement as to the expense of the various Indian policies was prepared by the comptroller in 1854. It showed that during Houston's first term $190,000 were expended on account of the Indians. Lamar's term cost $2,552,319

1841	1,176,288
1842	198,051
1843	147,274
1844	147,850
1845	243,538

Public Debt

1836	$1,250,000
1837	1,090,984
1838	1,886,425
1839	3,855,900
1840	6,241,409
1841	7,446,740
1846	9,949,007

Treasury Note Circulation

1838	$ 684,069
1839	2,013,762
1840	3,287,962
1841	2,920,860
1846	2,674,447

on that account. Houston's second term, 1841-1844, called for an expenditure of $94,092, while the term of Jones called for only $45,000.[74] The navy represented the next largest appropriation. For this object there were appropriated in 1839 the sum of $380,455, and in 1840, $525,000.[75]

The great expenditures and the depreciation of the currency during the first two years of Lamar's administration naturally reacted on public opinion. The *Austin City Gazette,* which was established shortly after Austin became the capital, became the mouthpiece of the opposition to Lamar which centered in Sam Houston. On March 13, 1840, it had this personal criticism of Lamar:

> Apart from politics, and as a private citizen, we shall ever respect him for his literary acquirements, his amiable disposition, and unassuming manners; but, as President of the Republic, we must, in common with a large portion of our fellow citizens, condemn many, very many of his acts; not that we blame the heart so much as the easy disposition of the man. It is there that the mischief lies: he allows others to think—to act for him.

On October 21, 1840, the same newspaper had this to say with regard to the financial condition:

> Texas promissory notes are worth about fifteen cents upon the dollar—there is little prospect of a loan—the taxes are not promptly paid; and if they were, would only return to the treasury, at par, that which was issued for less than one-sixth of the amount. The continual issue of this sort of currency can have but one tendency now, and that is, to depreciate it still further. In this exigency, what are we to do? All the officers of government, from high to low, have been required to receive its issues at par, in payment of their salaries. This has not raised it: but it has impoverished them; and now an ordinary day laborer receives more of it per diem than any civil officer under the establishment. . . .
>
> We are at the lowest round of the ladder. Congress will soon convene, and the pay of its members will not purchase their food. The members cannot live upon patriotism; and many of them have nothing else but that and their pay to live upon.

Houston was a candidate for the presidency from the close of

[74]Miller, *op. cit.*, 391; Yoakum, *History of Texas,* II, 341 n.
[75]Miller, *op. cit.*, 391.

his first term in 1838 until his re-election in 1841. The constitutional inhibition of consecutive terms prevented his being a candidate for immediate re-election, and his unpopularity at the close of his first term would have made doubtful his re-election. In order to gain support he put himself at the head of an anti-administration party, and used the faults of the administration with considerable political skill in developing support for his candidacy. He became a member of Congress in 1839, and his opposition to the President as a congressman led to the nomination of an opposition candidate in his district in 1840, but Houston was returned by a good majority. After his re-election to Congress in 1840 he received an invitation from his constituents in San Augustine to a public dinner. Declining on account of prevailing sickness, he used the opportunity to attack the administration of Lamar and incidentally make political capital for the following year. "The approbation expressed by my fellow countrymen," he said,

> touching my military, executive and legislative duties, which have devolved upon me during the important crisis through which Texas has passed, is peculiarly gratifying to me. Whether I am in private or public station, I must ever feel unceasing devotion to the prosperity of my country. Viewing the condition of the nation, we have much to deplore; but our situation is not such as to induce us to despair of ultimate success and prosperity. The finances of the nation have been destroyed by the excessive issue of treasury notes; the useless and extravagant expenditures of the government! Nothing profitable has been produced to the country! The frontier is unprotected, our citizens have been called from their homes with necessity, when their presence was all important to their crops—the only means of subsisting their families!—the regular army inactive, though millions have been expended in its creation; the Indians harassing our citizens, and penetrating our country even to the seaboard; our credit destroyed; the citizens oppressed by taxes for the want of a sound currency, and our national debt increased six-fold within the last year. It is vain to attempt concealment of our situation any longer from the public eye,—the depression of every class of the community proclaims that there is rottenness to the core.[76]

This picture of conditions was essentially correct, though given by a political opponent, who had himself been unable to resist the

[76] *Austin City Gazette*, October 7, 1840.

tendencies which had caused the downfall of the administration of his successor. This denunciation of the policies of Lamar was possibly called forth by Lamar's attack on the preceding administration in defense of his own. Characteristic of this method of defense is Lamar's letter in response to an invitation to a public dinner extended by some citizens of Galveston. "When I came into office," he said,

> the country was in a disorganized condition throughout its various departments, civil and military. The public offices were in a state of chaos and confusion; the military strength of the nation was unknown and unorganized; the army had been reduced to a mere skeleton and the navy annihilated. If either had an existence, it was nominal merely, and they were incapable of any useful purposes. Our inland frontier exhibited a melancholy scene of Indian ravages and massacres whilst our entire coast, exposed and unprotected, might have been harassed at any moment, and our coast blockaded by a single armed vessel. . . . To systematize the various departments; to establish a strict accountability in the discharge of the public trust; economize the national resources; extend protection to our bleeding frontier; and to place the country as speedily as practicable in a state of defence against all its enemies, whether savage or civilized, by organizing the militia,—creating a new army, resuscitating the navy, and supplying the general deficiency of arms, ammunition and military stores, were among the early objects of my contemplation. . . .[77]

The Fifth Congress assembled on November 2, and the speaker, David S. Kauffman, in his opening remarks said:

> But *seven* members of the last House have been deputed by the people to join in the labors of this! The destinies of Texas have been committed to other, and, I earnestly trust, abler hands. What has produced this extraordinary revolution? We cannot believe that our predecessors were dishonest or incapable; but we *know* that they failed to satisfy the expectations of an anxious and confiding people. What was their error? The voice of a nation answers: They increased, instead of diminishing, *the national expenditures.* Let us, then, gentlemen, with one accord, resolve to avoid the rock on which they split.[78]

Lamar recognized the demand for some reform in the matter of finances. "Amongst the various duties which will claim the

[77]Lamar to citizens of Galveston, June 2, 1840, *Lamar Papers,* No. 1810.
[78]Fifth Texas Congress, *House Journal,* 5-6.

attention of Congress during the present session," he said in his annual message,

there are none more important than those which relate to the fiscal affairs of the government. That a system of finance should be adopted, if practicable, which will, to some extent, relieve the pecuniary embarrassments of the country, is so obviously necessary, that it can require no argument from me to enforce it. The entire expenditures of the government, embracing everything that is required, for the successful administration of its civil, military, and naval departments, would probably not exceed four hundred thousand dollars a year, if these expenditures could be met with funds not depreciated in value, and when it is known that the revenues of the nation as provided for by law, if faithfully collected, would amount annually to nearly one million dollars, it would seem that a system might be devised which would not only remove present embarrassments, but which could be gradually extended to the extinguishment of the national debt. . . .

In considering this important subject, it is possible that Congress may find it practicable to lessen the public expenditure without materially affecting the efficient transaction of the public business. An amalgamation of some of the public offices and a discontinuance of others may possibly be effected, temporarily at least, without producing great detriment to the substantial interests of the nation, and if it can be done in times of so much pecuniary embarrassment, no saving should be considered too small to merit attention.[79]

He had no program to submit, but he recommended retrenchment.

On November 19, the spirit of Congress made itself felt. On that date a joint resolution was introduced requiring the President to receive into service a company of volunteers from San Patricio county, and it was received with protests by the members of the House led by Sam Houston.[80] On December 2, Lamar announced that Colonel W. G. Cooke had selected a suitable place on Red River for a military post, and suggested that his policy of frontier defence awaited an appropriation, or it would have to be abandoned. This was answered by a resolution which passed the House on the same day providing for a committee of five to be appointed to draft a bill to serve as a basis of retrenchment in all departments.[81]

[79] *Ibid.*, 25.
[80] Fifth Texas Congress, First Session, *House Journal*, 127-128.
[81] *Ibid.*, 181, 211.

The first act in harmony with the program of retrenchment was passed on December 5, when the salary of the chief justice was reduced from $5,000 to $3,000.[82] On January 18, 1841, an act was passed which reduced the civil list from approximately $550,000 to $450,000. This was accomplished by abolishing the office of secretary of the navy and placing his duties on the secretary of war; abolishing the office of postmaster general and placing his duties on the secretary of state; discontinuing various minor offices in the state and war departments.[83]

The greatest reductions were in the army and navy appropriations. In spite of the failure of all peace negotiations and the threat of a Mexican invasion, and the recommendation of Lamar and Burnet, who followed him as Acting President, for preparations for an offensive war against Mexico, the two Houses of Congress failed to agree on an army appropriation bill, and there was no appropriation for that year, which resulted in an order by Lamar disbanding the regular army.[84] At the same time they refused to appropriate money for military aid to a commercial expedition to Santa Fé, an object on which Lamar had set his heart, and which he finally undertook in spite of the failure of Congress to appropriate funds. For the army and navy the appropriation amounted to the sum of $211,050, as against $1,581,369 for the preceding year.[85]

No methods were found at that session of Congress for remedying the condition of the currency, and perhaps nothing would have availed. The preceding Congress had passed an act providing for the issue of eight per cent treasury bonds instead of notes, but as these were of no more value in the market than the non-interest bearing notes, and as these created an additional obligation for the government in the payment of interest, an act was passed in February, 1841, providing that no more such bonds should be issued after March 1.[86] An effort was made to increase the revenue by raising the rates of tariff duties, but as we have seen, it resulted only in a law raising the nominal rates to accord with their specie value.

[82]Gammel, *Laws of Texas*, II, 553.
[83]*Ibid.*, II, 569.
[84]Fifth Texas Congress, First Session, *House Journal*, 720-723.
[85]Miller, *op. cit.*, 23.
[86]Gammel, *Laws of Texas*, II, 639.

Lamar has been criticized more severely for his financial policy than for anything else, and it cannot be claimed that his policies resulted in a sound financial system. He recognized this himself, and in every message called attention to the need for a circulating medium based on something more than faith in the government. It was not his fault that paper money, greatly depreciated, was in circulation when he assumed the presidency, but he might be blamed for continuing after he came into office a practice that had proven itself faulty. It must be remembered, however, that the central idea of his financial policies was the securing of a foreign loan which was to serve as the capital for a government owned and operated bank, and almost till the end of his administration the loan commissioners in Europe held out the hope of securing the loan which Lamar considered necessary. It is likely, it seems to me, that the loan could have been secured if it had not been that the financial stringency in 1837 had caused many of the States of the United States to default on the interest on bonds held by foreign investors, thereby making capital timid in regard to American securities.

It is claimed by his critics that in view of the condition of the finances the appropriations were exhorbitant. It is admitted that there was an increase in the appropriations, though the nominal increase, on account of the depreciation was greater than the real. He himself justified the increase in expenditures by saying that the army was disbanded when he came into office and he found it necessary to create a new one. His administration also had to pay for a navy which was contracted for in the preceding administration. In my judgment the appropriations for the army were entirely justified. Undoubtedly the conciliatory policy of Houston with regard to the Indians had broken down. Many of the western counties were entirely depopulated, and there was an overwhelming public sentiment for war with the Indians. Lamar could have done no less than adopt a policy of warfare, and that called for the creation of an army, the establishment of military posts, and the organization of a permanent ranger service. This policy justified itself, as I shall show later, and after 1840 the Indians retired to the frontier and made only occasional attacks on the settlements.

The term "visionary schemes" which has so often been applied

to the policies of Lamar, the creation of a national bank, the Santa Fé Expedition, the naval war against Mexico in alliance with Yucatan, and other policies, cannot be justified unless it is meant that he did not understand the limitations of the people over whom he was ruling. Some of his policies were practical, even though they failed from accidental causes. A contrast of his administration with that of Houston's first administration results to the advantage of Lamar's; but a comparison with Houston's second results in disadvantage to Lamar's.

It is not the purpose here to go into the second administration of Houston, further than to call attention to a few factors bearing on the financial history of Lamar's administration which naturally fall into that of his successor. The first thing that Houston's administration did was to cease the issue of treasury notes and take away their legal tender character.[87] At the same time the five million dollar loan acts were repealed.[88] The repeal of these acts, however, showed no constructive policy on the part of Houston. The treasury notes had ceased to circulate, and all chance of a foreign loan had disappeared, hence it was nothing more than a legal ratification of existing fact. The one constructive policy was the reenactment of a higher tariff on imports, January 27, 1842.[89] Foreign or domestic loans were impossible, for the credit of Texas was utterly gone, hence it was necessary for the new administration to adopt a program of economy, which happily resulted in the improvement of general conditions, though still no method of funding the notes of the government was arrived at.

III. Army and Navy

The War of Independence in Texas was won by a citizen army gathered together hurriedly during the pressure of the Mexican invasion. The Consultation had passed an ordinance providing for the creation of a regular army, the organization of the militia, a force of rangers, and an auxiliary force of volunteers for the period of the war to be drawn from the United States. The militia had not been organized at the beginning of the invasion of Texas, and remained unorganized until after the battle of San

[87]Gammel, *Laws of Texas*, II, 727.
[88]*Ibid.*, II, 954.
[89]*Ibid.*, II, 734-737.

Jacinto. Up to the time of San Jacinto, also, there had been few enlistments among the regulars, and the auxiliary force of volunteers from the United States arrived too late to participate in the San Jacinto campaign. Shortly after this battle volunteers began to arrive from the United States and in June the army amounted to about twenty-four hundred, and as the "old settlers had gone home when the pressure was relieved, the army consisted almost entirely of volunteers.[90]

It was this army which had refused to receive Lamar as commander-in-chief in July, partly because of a belief that General Houston was still commander-in-chief, and partly because of the intrigue of Felix Huston, Thomas J. Green, and General Rusk. The withdrawal of Lamar left the army in the same condition that it was in at the time of his appointment, with General Rusk acting as commander-in-chief, but with Sam Houston addressing communications to the army as commander-in-chief. The army, after the threat of a new Mexican invasion had disappeared, began to break up, and this was the situation when General Houston assumed the presidency in October, 1836.

The appointment of Rusk as secretary of war left the army under the command of Felix Huston as senior brigadier-general. In January, 1837, President Houston appointed Albert Sidney Johnston to the command of the army, but when he arrived at the headquarters to take command Huston refused to surrender the command, challenging Johnston to a duel. In the duel Johnston was severely wounded, and Huston continued in command of the army. In May Huston went to the seat of government to secure the support of the Congress for an offensive against Mexico. Unable to pay the soldiers, and unable to control them under a mutinous commander-in-chief, Houston took advantage of the absence of Felix Huston from the army, and on May 18 issued orders for the furlough of all the volunteers except six hundred.[91] Practically all that were left in the army at that time were volunteers, not many more than seven hundred were embodied, and it is certain

[90]Barker, "The Texan Revolutionary Army," in Texas Historical Association *Quarterly*, IX, 228-261, *passim*.

[91]Williams, *Sam Houston*, 238; Houston's message to Congress, November 21, 1837; Crane, *Life of Sam Houston*, 288; Yoakum, *History of Texas*, II.

that almost all of these were furloughed. Houston said he retained only enough to maintain certain important posts.[92]

The attitude of Congress towards a military establishment was indicated by the passage of laws early in the first session of the First Congress for the organization of the militia, for a permanent force consisting of a battalion of mounted riflemen for frontier defence, and for a permanent military establishment. By the act of December 20, 1836, besides the militia, volunteers, and mounted riflemen, the military establishment was to consist of one regiment of cavalry, one regiment of artillery, and four regiments of infantry, with certain engineers and ordnance officers.[93] The whole army was to be commanded by a major-general appointed by the President. It was under this act that Johnston was appointed major-general, but, as we have seen, he was unable to take over the command on account of the opposition of Felix Huston. In spite of this riotous condition of the army, however, Houston, in his message at the beginning of the called session of the First Congress, in May, 1837, said that the army had never been in a better condition. He said that the permanent force in the field was sufficient to meet all the emergencies of invasions, while at the shortest notice the defence of the country could be brought into immediate action. He complimented the general for the discipline which had been established, and said that by a reduction of the supernumerary officers the expense would be only $229,032 per year. Less than two weeks later he issued the order for disbanding the army by means of furloughs, and from that time until the end of his administration there was no organized military establishment for the Republic, dependence being placed on the militia in any emergency.

Throughout the administration of Houston there was complaint as to his Indian policy, which left the frontiers unprotected while he tried to put into effect his principles of conciliation. During the greater part of 1838 there were constant Indian raids, and in July there was a rather ambitious revolt on the part of the Mexicans and Indians about Nacogdoches. A hastily collected body of volunteers under General Rusk averted the threatened rebellion and proceeded to chastise the Indians engaged in the revolt. Un-

[92]Message to Congress, November 21, 1837.
[93]Gammel, *Laws of Texas*, I, 1223-1226.

der these circumstances there was a popular demand for a different policy, and Lamar, in his first message to Congress took this into consideration, recommending the creation of a standing army to be used for frontier defence.[94]

Congress, willing to cooperate with the Executive, and unmindful of the fact that there were ample laws on the statute books for the creation of a standing army, passed a law providing for a regiment of eight hundred and forty men, divided into fifteen companies, for the protection of the northern and western frontiers.[95] Colonel Edward Burleson was placed in command, and stationed at Bastrop to recruit the proposed army. In spite of the fact that a complete staff was organized, and strenuous efforts made to enlist enough men to bring the army to efficiency, this army of regulars never attained the intended strength, and played a minor part in the Indian campaigns of the first two years of Lamar's administration. The force of rangers which had been first provided for by the General Council proved one of the most effective forces in Indian warfare, though they were aided in any important campaign by the militia and what few regulars could be gotten together. Of the two most important campaigns, the one against the Cherokees in 1839 was carried out chiefly by the militia, though aided by the regulars under Colonel Burleson, while the one against the Comanches in 1840 was carried out by a force which volunteered for that campaign, though it was commanded by a regular army officer.[96]

Fortunately for Texas during the first two years of Lamar's administration, the Mexicans were occupied with their own affairs and could devote no attention to Texas. In 1839 took place the war with France, and the Mexican ports were blockaded. In 1840 there was civil war between the Federalists and Centralists in Mexico, which served to divert the attention of the Mexicans from their revolting province. This fact is probably responsible for a lack of eagerness in enlisting in the regular army. It was this also which made possible the use of the whole army in war

[94]*Lamar Papers*, No. 361; *Telegraph and Texas Register*, December 26, 1838.

[95]Gammel, *Laws of Texas*, II, 15.

[96]The details of these Indian campaigns will be given in another chapter, where I shall attempt to make clearer the use of the army in the Indian campaigns.

against the Indians. Under the circumstances, the administration was unable to depart materially from the practice of the preceding one, and had to depend on the militia hurriedly called together to avert a threatened attack or punish one that had already taken place. The determination of Lamar to exterminate the Indians made necessary the constant mobilization of parts of the militia and led to heavy expenditures for the two years of Indian warfare.

The regular army was brought to an end by the action of the Congress which sat in 1840-1841. As we have seen, this Congress was elected on the issue of retrenchment. As a part of that program the House passed a measure on January 28, 1841, providing for the disbanding of the regular army.[97] The Senate refused to concur in this measure, but the House refused to make any appropriations for its support, and thus accomplished the destruction of the regular army. In the absence of an appropriation for its support, Lamar directed the comptroller on March 24 to open an account on his books for the disbanding of the regular army.[98] This was in the face of a threatened Mexican invasion which materialized a short time later. Thus Lamar's administration closed as it had begun, without an army sufficient for self defense.

Just as there was no army to speak of when Lamar assumed the presidency, so there was no navy at all. Congress and the President had recognized the necessity of a navy, however, and in November, 1836, passed a law authorizing the purchase of a navy.[99] The government was unable to find funds for the purchase of the vessels provided for, and no action was taken. When the law was passed there were still a few naval vessels under the flag of the Republic of Texas. Before the close of another year three of the four vessels had been lost through capture and wreck, and the Congress passed an act in September, 1837, authorizing the purchase of a five hundred ton ship mounting eighteen guns, two three hundred ton brigs of twelve guns each, and three schooners of one hundred and thirty tons, mounting five or seven guns each. They appropriated $280,000 to pay for the ships, and authorized the

[97]Fifth Texas Congress, First Session, *House Journal*, 631.
[98]Yoakum, *History of Texas*, II, 323, note.
[99]Gammel, *Laws of Texas*, I, 1090.

secretary of the treasury to furnish the purchasing agent with a draft on the loan commissioners in the United States.[100] President Houston appointed Samuel M. Williams as an agent to purchase the ships, and Williams at once executed his bond and proceeded to Baltimore.[101] In the meantime the President disbanded the officers and men of the navy until the vessels could be secured.

Williams succeeded in securing in October, 1838, the *Charleston,* for which the Congress appropriated $120,000. A short time later he contracted with Frederick Dawson of Baltimore for one ship, two brigs, and three schooners. The cost of these ships was to be $280,000, but as Texas had no money, the bonds of the government were to be executed by the loan commissioners, and deposited in the Bank of the United States of Pennsylvania for $560,000. Interest was to be paid at the rate of ten per cent, and in case of defaulting on the interest the government of Texas was to forfeit the extra deposit of $280,000.[102] Payment was not made at maturity, and the whole amount with interest was claimed and ultimately paid by Texas.[1]

Word that the ships had been contracted for arrived shortly after Lamar's inauguration, and on January 26, 1839, Congress passed and the President approved an act appropriating $250,000 for the maintenance of the navy for the year.[2] It will be seen that this navy, which was contracted for under the preceding administration, cost in the neighborhood of $600,000, and with the sum appropriated for its maintenance the expense to the Lamar administration during its first year was more than $800,000.

The ships began arriving early in 1839. In March the *Charleston* reached Galveston, and her name and flag were changed. She was commissioned as the *Zavala.* On June 27 the schooner *San Jacinto,* the first ship under the Dawson contract, was delivered; on August 7, the schooner *San Antonio;* on August 31, the brig

[100]*Ibid.,* I, 1355.

[101]Report of Secretary of the Navy in Third Texas Congress, First Session, *House Journal,* 15-20.

[102]Fifth Texas Congress, First Session, *House Journal, Appendix,* 202-204; Dienst, "The Navy of the Republic of Texas" in Texas Historical Association *Quarterly,* XIII, 8.

[1]Miller, *A Financial History of Texas,* 63; Report of the Auditor and Comptroller, December 27, 1849, and November 12, 1851.

[2]Gammel, *Laws of Texas,* II, 129.

Colorado. A corvette and a brig were delivered in January and April of the following year, making the list complete.[3]

The delivery of the ships of the navy was completed by April, 1840, and Commodore Edwin Ward Moore was placed in command with the rank of Post Captain. The greatest difficulty confronting him in his position was the securing of seamen for the ships of the navy. For this purpose some of the vessels proceeded to ports of the United States, and attempted to secure sailors there. Moore himself in the *Colorado* went to New York where he ran afoul of the United States laws and was prosecuted under the neutrality law of 1818. The American Secretary of State submitted to the Texan minister a mass of depositions to prove that Moore was violating the neutrality laws of the United States. It was charged that Moore "has for some time past been engaged in hiring and retaining within the Territory and jurisdiction of the United States, citizens of the United States, and other persons to enlist themselves in the service of the Republic of Texas as mariners or seamen on board the said Brig of war, the Colorado."[4]

While Moore was still in New York recruiting men, but with some of the ships already manned, the Congress passed an act requiring the President to retire from the service temporarily all the fleet except such schooners as were necessary for enforcing the revenue laws, and to retain only enough officers and men to carry out the purposes of the act. It was provided, however, that if Mexico should make any hostile demonstrations on the Gulf, the President might order into service any number of the vessels he might deem necessary. This act was approved by Lamar on February 5, 1840.[5]

President Lamar, however, did not carry out the provisions of this law. Acting on the advice of friends,[6] he allowed the work of fitting the ships for the sea to go on. By June 24 they were ready for service, and on that date they set sail on a voyage which carried them to Sisal, Campeachy, Vera Cruz, and other points on the Mexican coast. The last of the ships returned on December 9,

[3]Dienst, *op. cit.*, 10.

[4]Dunlap to Burnet, January 27, 1840 (enclosure); Garrison, *Dip. Cor. Tex.*, I, 436.

[5]Gammel, *Laws of Texas*, II, 364.

[6]See Francis Moore, Jr., to Lamar, March 9, 1840, *Lamar Papers*, No. 1741.

bringing the body of Treat, who had been acting as secret agent of the Texan government in Mexico.[7]

In his message in November, 1840, Lamar justified himself for disregarding the act of Congress requiring the vessels to be laid up in ordinary. He said that it was confidently stated in the papers of the United States that Mexico had made contracts for the purchase of several vessels of war in Europe, and that she had actually secured a steam vessel in England and was about to descend on the Texan coast and cut off commerce; that under those conditions he would have been violating the spirit and intentions of the act of Congress instead of carrying it into effect if he had caused the seamen already in the service to be disbanded and the vessels to be laid in ordinary. Besides,

> Yucatan and Tabasco, lately forming a part of the confederate states of Mexico, wearied of the oppressions that followed the overthrow of the federal system in that republic, seceded from the central government, and uniting together pronounced their determination to be free. Similarity of circumstances and design naturally creates a sympathy of feeling, and would prompt this government to regard with peculiar interest the efforts of the citizens of the southern provinces to do precisely what we had so recently accomplished. But considerations of a higher character suggested the propriety of making a demonstration of our naval power on the coast of the new republic. It was expected to ascertain from the authorities established there in what relation this government should regard them, and whether their secession from Mexico would terminate their belligerent condition towards Texas. . . . It was considered advisable to communicate to the authorities our friendly disposition, and to convey them with such a palpable exhibition of power as would render them efficacious and permanent; and I am gratified to remark that these professions were readily and kindly received and cordially reciprocated by the new government.

At the same time, he said, he had felt it his duty to refrain from the capture of any Mexican ships as long as negotiations were being undertaken for a peaceful settlement of all difficulties. The naval equipments of a country, he asserted, were essentially different from the military. Competent officers might be chosen from among the people for the command of an army, but a navy required

[7]Dienst, *op. cit.*, 25.

trained men. "To have disbanded the accomplished and gallant officers who have embarked in our naval service," he concluded,

at the moment when we had reason to believe our enemy was preparing a naval armament for our coast, would, in the opinion of the executive, have not only been indiscreet and impolitic, but would, as he believes, have been contrary to the true intention and meaning of Congress, as expressed in the act of the last session. It is true it might have saved us some expenditure, but it is equally true that it might have involved the country in great disaster and an irreparable loss of reputation.[8]

It seems that the purposes of the cruise were achieved. The rumors that Mexico was preparing to blockade the coast of Texas were probably false, and the cruise was unnecessary from that standpoint. It did serve, however, to establish friendly relations with the federalists of Yucatan, and resulted in an alliance with that province the following year against the Mexican government. After proceeding to Vera Cruz and delivering letters to Treat and receiving others from him to the state department, some of the ships proceeded to the Texas coast, remaining only a short time for orders, and returned to the Yucatan region. In December Moore proceeded up the Tabasco river and captured the town of Tabasco, levying on the people the sum of $25,000, which was used in refitting the vessels for a longer cruise. The town was turned over to the Federalists.[9] The whole fleet was back in Galveston in April, 1841.

From May to November, 1841, the vessels of the navy were engaged in the survey of the coast of Texas.[10] In the meantime Lamar had formed a naval alliance with Yucatan. Under the terms of this alliance the fleet of Texas was to be used to aid the Federalists of Yucatan against the Centralists who were in control of Mexico at that time. On September 18, 1841, Moore received his orders to prepare for the voyage to Yucatan, and on December 13 the vessels set sail. Two days later the secretary of the navy, George W. Hockley, acting on the orders of President Houston, who had been inaugurated on the 12th, directed Moore to return to Galveston immediately and await further orders.

[8]Fifth Texas Congress, First Session, *House Journal*, 20-22.
[9]Dienst, *op. cit.*, 26.
[10]*Ibid.*, 29.

Moore did not receive these orders until March 10, 1842, and did not comply with them, but proceeded to carry out the terms of the alliance between Texas and Yucatan.[11]

IV. Location of the Permanent Seat of Government

One of the first problems confronting the Lamar Administration was the establishment of a permanent seat of government. During the period of the war and the provisional government the seat of government had been at various places. In his proclamation calling the election for officers under the constitution, President Burnet designated Columbia as the meeting place of the First Congress. The Congress met there, and on October 22 Houston was inaugurated. Congress and the President were not satisfied with the location, because of poor accommodations, and shortly afterwards an act was passed temporarily locating the seat of government at Houston until the end of the session of Congress which was to assemble in the year 1840.[12]

There was considerable opposition to the location of the capital at Houston, which was selected by a joint ballot of the two houses by a narrow margin.[13] At the time Houston was selected there was not a single building there, and though ample buildings for the government were promised by the meeting of Congress on May 1, 1837, they were not provided. Besides, there were complaints of the bad streets, the unhealthful conditions in the place, and other matters. And as early as August 9, 1837, the question of the permanent location of the seat of government was forecast as an issue of the campaigns for Congress.[14]

Responding to this sentiment the second Congress passed a joint resolution, approved by the President on October 19, providing for the election by joint ballot of the two houses of five commissioners to select a site for the permanent location of the seat of government. The commissioners were required to give public notice of their appointment, and "receive such propositions for the sale of

[11]Dienst, *op. cit.*, 37.

[12]Gammel, *Laws of Texas*, I, 1217.

[13]The vote on the fourth ballot was Houston, 21; Matagorda, 4; Washington, 14; and Columbia, 1, giving Houston a majority of only two.—Winkler, "The Seat of Government of Texas," in Texas Historical Association *Quarterly*, X, 165.

[14]*Ibid.*, 185-188, *passim; Telegraph and Texas Register*, August 9, 1837.

lands as may be made them, not less than one, nor more than six leagues of land; and also examine such places as they may think proper on vacant lands; and that they be authorized to enter into conditional contracts for the purchase of such locations as they may think proper, subject to ratification or rejection by this congress." They were required to make a report to Congress by November 15, 1837; and in making selections they were to be confined to the country between the Trinity and Guadalupe rivers, and they were to select no place more than one hundred miles north of the upper San Antonio road, nor south of a direct line running from the Trinity to the Guadalupe river, crossing the Brazos at Fort Bend.[15]

The commissioners elected under this act made their report on November 20, recommending various places in order of preference, based largely on material benefits to be derived in the way of bonuses and land. This report was submitted to a select committee of the two houses. The committee reported on the 28th recommending the appointment of a joint committee of both houses to visit the various sites suggested during the vacation of Congress and report back at the beginning of the next session. Congress adopted the report of the committee, and provided by joint resolution for the election of three members from the House and two from the Senate.[16]

The commissioners provided for by this resolution were duly elected, and on March 8, 1838, they made a contract with John Eblin for the purchase of his league of land, and reserved for the government all the vacant lands lying within a radius of nine miles of a point near the western boundary of Eblin's League.[17] On April 14 the commissioners reported to Congress that they had bought the Eblin League lying on the east bank of the Colorado river, just below La Grange. As was the custom, this was submitted to a joint committee of the two houses, and the committee reported on May 7 without making any recommendations. Two days later the houses met in joint session for the purpose of choosing a site for the permanent government, and the location of Eblin's League was decided upon on the second ballot.[18] A bill

[15]Gammel, *Laws of Texas*, I, 1346.

[16]Gammel, *Laws of Texas*, I, 1402; Winkler, "The Seat of Government of Texas," as cited, 190-196, *passim*.

[17]Winkler, as cited, 199.

[18]*Ibid.*, 204.

was drawn up embodying this decision, but it was vetoed by President Houston on the ground that the act locating the temporary seat of government provided that it should remain at Houston until 1840.[19]

From the foregoing it is obvious that sooner or later the location of a permanent seat of government would become a political issue; and this it did, along with other sectional questions, in the presidential and congressional campaigns of 1838. Houston was from the eastern part of the Republic, and it was charged that his veto of the bill for locating the capital on the Colorado was due to his interest in the East, as well as to a personal vanity which influenced him in maintaining the capital at the city of his own name. After the nomination of Lamar by members of the Senate in December, 1837, and by various meetings over the State in the early months of 1838, those interested in the advancement of the East through the election of a President representing that section petitioned General Rusk to become a candidate for the Presidency. When he declined, the same persons appealed to P. W. Grayson, who consented to make the race. His death during the campaign eliminated the strongest representative of the East, and led to the almost unopposed election of Lamar.[20]

The *Matagorda Bulletin* took the lead in advancing the claims of the West to the capital. On March 7, 1838, the editor wrote:

> Several of our citizens have just returned from the up-country and the far West, where they have been engaged since the opening of the land office, in locating their lands. They bring the most flattering accounts of the emigration which is now pouring into the interior, with a rapidity altogether unparalleled in the settlement of the country. The new comers we understand are nearly all farmers, and are now making extensive preparations to cultivate the soil. The Colorado, up to the base of the mountains, is alive with the opening of new plantations, and towns and villages seem to be springing up spontaneously along its banks.

In advocating the election of Lamar to the presidency, the editor on March 28, wrote as follows:

> But above all, the character and qualifications of the next chief magistrate of the Republic of Texas, should be *extensively* and

[19]Second Texas Congress, Third Session, *House Journal*, 162, 163.
[20]*Telegraph and Texas Register*, May 19 and 26, 1838.

favourably known, to the people of the United States. Emigration, which is so earnestly desired by every good and patriotic citizen, and which alone can hasten the rising greatness of this flourishing republic, will be checked or promoted by the character of the man whom we shall elevate to that distinguished office.

On August 24, 1838, a correspondent of the *Matagorda Bulletin* urged the election of George Sutherland as senator from Matagorda, saying that he was a true representative of the West, and that he had supported strongly the location of the seat of government on the Colorado in the preceding Congress. "The Seat of Government," he continued,

will be permanently located during the next two years; and no measure can be so big with consequences to the West, and particularly to the citizens of this Senatorial District as its location on the Colorado. It will promote emigration to the West, thereby giving protection to the frontier settlements, and enhancing the value of our lands. It will also increase most rapidly the settlement of the lands of the Colorado, and of the country west of it, thereby increasing the capital and interest of that section of the country, which will result in important public improvements, increasing the facilities of commerce and trade.

Early in the session of the Congress which assembled on November 5, 1838, efforts began to secure the permanent location of the seat of government. By January 14, 1839, a bill had passed through Congress and been approved by the President embodying the desires of the advocates of a western location.

This act, as had been the case in the earlier acts, created a commission consisting of five men, two to be elected by the Senate and three by the House, and it was their duty to select a site for the location of the capital at some point between the Trinity and Colorado rivers, and above the old San Antonio road. The name of the site was to be Austin. The commissioners were to select not less than one nor more than four leagues of land for the site, and if it could not be obtained out of the public domain or by donation, they were empowered to purchase it, being limited to the price of three dollars per acre. They were to enter into a bond with good security of one hundred thousand dollars.[21]

The commissioners, A. C. Horton and I. W. Burton for the Senate, and William Menifee, Isaac Campbell and Louis P. Cooke

[21]Gammel, *Laws of Texas*, II, 161.

from the House, were elected on January 15th and 16th.[22] Immediately after the adjournment of Congress on the 24th the commissioners proceeded to their work, and they reported on April 13 their selection of the town of Waterloo on the Colorado at the foot of the mountains.

It is likely that Lamar exercised a determining influence in the selection of the present Austin as the permanent seat of government. At the beginning of his administration the Congress was practically unanimous in his favor, and there is no doubting his influence with its members during the early sessions. Being Vice-President during the preceding administration he was well placed to judge of public sentiment as it expressed itself in Congress; and it had become apparent that a more western location than Houston was desired. It seemed to be the general impression that a position on the Colorado would be chosen, but the exact site was not anticipated. The following extract from an article by an "old settler," Judge A. W. Terrell, indicates that Lamar first examined and recommended the site chosen.

General Lamar, in the autumn of 1837 or 1838, weary with official duties, came to the upper Colorado on a buffalo hunt. He procured an escort of six rangers at the old fort that stood in Fort Prairie, six miles below where Austin now is. Among them were James O. Rice and William Avery, both of whom long afterwards became my clients. From them and from the Rev. Edward Fontaine (a great-grandson of Patrick Henry), then the Episcopal minister in Austin, who for years was my friend and neighbor, I learned what I am about to state regarding Lamar's buffalo hunt and other matters.

Jacob Harrell was then the only white frontier settler where Austin is located, and no white men lived on the waters of the Colorado above him. His cabin, and a stockade made of split logs to protect his horses from the Indians, were built at the mouth of Shoal Creek, near the river ford. There Lamar and Fontaine (who was his private secretary), and their ranger escort camped for the night, and were awakened next morning early by Jake Harrell's little son, who told them that the prairie was full of buffalo. Lamar and his men were soon in the saddle, and after killing all the buffalo they wanted were assembled by a recall sounded by the bugler on the very hill where now stands the State Capitol building. Lamar, while looking from that hill on the valley covered with wild rye,—the mountains up the river, and the

[22]Third Texas Congress, *Senate Journal*, 108; *House Journal*, 358.

charming view to the south, remarked, "This should be the seat of future Empire." . . .

When afterwards in 1839 Lamar was president he approved the Act of Congress of January 16, 1839, which provided for the commissioners to select a site for the Capital. He appointed among them A. C. Horton,[23] whom I knew quite well, and instructed them to go to Jake Harrell's cabin and look carefully at that location. Fontaine was present when the President talked to the Commissioners, and thought that Lamar's admiration of the ground near Harrell's cabin had much to do with the report of the Commissioners.[24]

Whether or not this account represents the facts, I am unable to say. It is true, however, that in the report of the commissioners of their choice of a site the defense of their selection was based on two of the most prominent of Lamar's policies, the protection of the frontier and the necessity for securing the Santa Fé trade. It will be remembered that the commissioners were limited to a point between the Trinity and Colorado rivers north of the San Antonio road. Stating that there was no great choice between the two rivers, they said that the town of Waterloo was more favorable in their opinion than a point on the Brazos; and then they showed their attitude to be in harmony with that of Lamar with regard to frontier defense when they said:

In reference to the protection to be afforded to the frontier by the location of the Seat of Government, a majority of the Commissioners are of the opinion that that object will be as well attained by the location upon one river as upon the other, being also of the opinion that within a short period of time following the location of the Seat of Government on the Frontier, the extension of the Settlements produced thereby, will engender other theories of defence, on lands now the homes of the Comanche and the Bison.

The commissioners anticipated the time when a great thoroughfare should be established between Santa Fé and the Texas seaports, and between Red River and Matamoras, and the two routes would intersect almost exactly at the seat chosen. It is certain that Lamar had this feature in mind when the commissioners left Houston on their journey of inspection. William Jefferson Jones

[23]This is an error. The Commissioners were elected by the two houses of Congress.

[24]A. W. Terrell, "The City of Austin from 1839 to 1865," in Texas Historical Association *Quarterly*, XIV, 113-114.

was in Houston some time in January, just before going to his station in the army which was being organized at Bastrop. He had discussed with Lamar the importance of the Santa Fé trade, and after leaving Houston had written to the secretary of war along the same lines. On February 8, 1839, he wrote Lamar reiterating his statements with regard to the Santa Fé trade, and declaring that he had no doubt that the seat of government would be located at the town of Waterloo.[25] The known interest of Lamar in frontier defense and the Santa Fé trade, together with the report by the commissioners favoring the location for those reasons, indicates that there was a close understanding between the President and the commissioners.[26]

At the time of its selection Waterloo, which was renamed Austin, was on the very outskirts of settlement. There were in the town itself, according to the *Matagorda Bulletin* for April 15, 1839, only four families, and in another settlement a few miles distant there were about twenty. According to this same paper, however, immigration was not slow in beginning to flow into that part of the State.[27] This paper, in again commending the selection of Waterloo, on August 1, 1839, said:

> The most cheering accounts are daily received of the immense emigration to the Upper Colorado and western country. We have always been satisfied that it was [only] necessary that the beautiful country situated there should be known to render it very shortly the most densely populated part of the Republic. The location of the seat of government at its present site has had the effect to bring it into notice.

The *Telegraph and Texas Register,* June 12, 1839, found that the location of the capital in that quarter of the frontier had deterred many citizens who had been doubtful about remaining on the frontier from leaving.

Not all the newspapers approved the choice, however. The people east of the Trinity would have been glad to have had the capital nearer the center of the State. The Houston *Morning Star* found it objectionable because it possessed none of the advantages of a

[25] *Lamar Papers,* No. 1049.

[26] The full report of the commissioners can be found in Winkler, "Seat of Government of Texas," in Texas Historical *Quarterly*, X, 217-220.

[27] *Matagorda Bulletin,* May 2, 1839.

city, "timber being scarce, water not *too* abundant, the situation remote from the Gulf, and there being no navigable stream near it, at least at present, the immediate surrounding country not being fertile, and the town being at the *end* of the road, beyond which there is nothing to see."[28]

The original act providing for the location of the capital had not provided for the time of removal from Houston to Austin. This was remedied a few days later by a supplementary act requiring the President to proceed, with his cabinet officers, and the archives of the government, to the point selected, previous to October 1, and that the next Congress should convene there on the second Monday of the following November.[29]

The report of the locating commissioners was anticipated by the appointment of Edwin Waller as government agent for the new city of Austin. He was to survey the lots, provide for their sale at auction, and after this was accomplished, he was to superintend the construction of the necessary public buildings. Waller was entirely successful in all these duties. The surveying began on May 21, the sale of lots began on August 1, and by the time the officers of the government arrived in October a sufficient number of buildings were completed to house the various departments comfortably.[30]

President Lamar and a part of his cabinet arrived in Austin on October 17 and were received with elaborate celebrations.[31] The Congress assembled as provided for on the second Monday in November, and there was a quorum present the first day. President Lamar sent in his message on November 12, and stated that he had great pleasure in meeting the representatives of the people for the first time assembled at the permanent seat of government. He congratulated them and the country in general that a question which had so deeply excited the national legislature had thus been put at rest; and sincerely hoped that no similar subject would arise in future to abstract their attention from the harmonious consideration of such matters of general and local policy as might be regarded essential to the prosperity of the nation. "That the se-

[28] *Morning Star*, July 27, 1839.

[29] Gammel, *Laws of Texas*, II.

[30] Winkler, "The Seat of Government of Texas," in Texas Historical Association *Quarterly*, X, 227-233, *passim*.

[31] *Austin City Gazette*, October 30, 1839.

lection of the site now occupied will command universal approbation," he said, "is not to be expected. A diversity of opinion upon such subjects is the unavoidable result of the diversity of interests and local prejudices which must necessarily exist in a country so widely extended as ours." He showed his real attitude towards the question when he continued:

> But its geographical position, the apparent healthfulness of its climate, the beauty of its scenery, the abundance and convenience of its material for constructing the most permanent edifices, its easy access to our maratime frontier, and its adaptation to protection against Indian depradations, thereby inviting settlements to one of the finest portions of our country, [afford] ample proofs of the judgement and fidelity of the commissioners, an abundant reason to approve their choice. That you and others will experience some privations which might have been spared if the location had been made in a section of the country of greater population and improvement is certainly true; but I cannot believe that a people who have voluntarily exchanged the ease and luxuries of plentiful houses, for the toil and privations of a wilderness will repine at the sacrifice of a few personal comforts which the good of the nation may require of them.[32]

It will be remembered that no provision had been made for the commissioners to report back to the Congress their findings with regard to their location of the capital site; and before the Congress even met the government had been removed from Houston to Austin. Those opposed to the location selected attempted to secure a reconsideration by introducing and supporting a bill providing for a plebiscite on the fourth Monday in May, 1840, to determine whether or not the seat of government should be located, for a period of twenty-five years, at Austin or at the point on the Brazos rejected by the commissioners. This led to an excited debate in which Houston, who had just taken his seat as a representative from San Augustine, was one of the most conspicuous figures. The enacting clause was stricken out by a vote of 21 to 16, a strictly sectional vote. To add to the appearance of permanency the same Congress passed an act for constructing public buildings as nearly fireproof as possible.[33]

The seat of government continued at Austin until the close of

[32] *Lamar Papers*, No. 361.

[33] Winkler, "The Seat of Government of Texas," in Texas Historical Association *Quarterly*, X, 244.

Lamar's administration. Shortly after the inauguration of Houston for his second term in December, 1841, he removed the government to Houston without the consent of Congress, and in spite of the demand of the citizens of Austin for a return of the government, he exercised his functions elsewhere. The citizens of Austin resisted successfully the removal of the archives, and after the conclusion of Houston's second administration the government returned permanently to the city of Austin.

Chapter IV

FRONTIER DEFENCE

I. Relations with Miscellaneous Indian Tribes

In order to make clear the policy of Lamar in dealing with the Indians, it will be necessary to discuss in some detail the methods used by his predecessors in attempting to keep the peace. It will not be necessary, however, to give a detailed history of the various tribes which occupied Texas. It will suffice at this point to say that the usual classification used during the days of the Republic depended upon the degree of civilization adopted, and the terms "Wild Indians" and "Civilized Indians" were considered as sufficiently descriptive. Another grouping that was made was the indigenous and immigrant, the latter term meaning the more civilized tribes which had come from the United States, and including the Cherokee and associated bands.[1]

There was an Indian question in Texas from the time that the first Anglo-Americans began to arrive. For a dozen years after Austin brought his first colonists to Texas, the chronicles are full of Indian atrocities. The year 1832, Yoakum tells us, was the first in which the settlers had not been attacked often by the Indians, and their failure to attack that year was due to the fact that the Comanches and Shawnees had had a great battle in which so many were killed that they were unable to undertake a war against the whites.[2] In April, 1833, a convention met at San Felipe to petition for a separation of Texas and Coahuila. It was asserted that Texas was such a great distance from the center of government that no adequate means of protection against the Indians presented themselves, and this was considered a sufficient reason for the establishment of a separate state government for Texas. The memorial forwarded to Congress by the Convention,

[1]H. E. Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, pp. 17-122, has an extensive discussion of the indigenous Indians of Texas. T. M. Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 124-140, is a convenient brief account of the location and history of the tribes.

[2]Yoakum, *History of Texas*, I, 310.

which closed April 13, 1833, is a gloomy one. It was written by David G. Burnet. After enumerating many evils from which the people were suffering, due to the lack of a strong local government, it declared:

> We do not mean to attribute these specific disasters to the union with Coahuila, for we know they transpired long anterior to the consummation of that union. But we do maintain that the same political causes, the same want of protection and encouragement, the same mal-organization and impotency of the local and minor faculties of the government, the same improvident indifference to the peculiar and vital interests of Texas, exists *now* that operated then. Bexar is still exposed to the depredations of her ancient enemies, the insolent, vindictive, and faithless Comanches. Her citizens are still massacred, their cattle destroyed or driven away, and their very habitations threatened, by a tribe of erratic and undisciplined Indians, whose audacity has derived confidence from success, and whose long-continued aggressions have invested them with a fictitious and excessive terror. Her schools are neglected, her churches desolate, the sounds of human industry are almost hushed, and the voice of gladness and festivity is converted into wailing and lamentation, by the disheartening and multiplied evils which surround her defenceless population. Goliad is still kept in trepidation; is paralyzed in all her efforts for improvement; and is harassed in all her borders by the predatory incursions of the Wacoes, and other insignificant bands of savages, whom a well-organized local government would soon subdue and exterminate.[3]

Santa Anna, who was, in effect, dictator in Mexico when Stephen F. Austin presented this memorial, refused the request, imprisoned Austin, and in October, 1834, announced his purpose to send four thousand troops to San Antonio, "for the protection of the coast and frontier."[4] In March, 1835, Congress decreed the reduction of the militia throughout the Republic to one man for every five hundred inhabitants, and the disarming of the remainder.

Troops dispatched to Texas began to arrive early in 1835, and conflicts with the settlers soon began. At Anahuac a collector, backed by a small body of troops, attempted to collect tariff duties, which the Texans resented.[5] This situation, together with the

[3]Yoakum, *History of Texas*, I, 475.

[4]E. C. Barker, in Texas Historical Association *Quarterly*, VII, 250; Brown, *History of Texas*, I, 275.

[5]Barker, *op. cit.*, 250.

hostility of the Indians throughout the year, led to the creation of committees of safety and correspondence, which led to the calling of the Permanent Council in October. The Columbia committee wrote to J. B. Miller, the political chief of the Brazos Department suggesting that each municipality be required to furnish twenty-five men for use in an Indian campaign, to which Miller replied that he was already taking steps to punish the Indians.[6] The committee of San Felipe issued a circular on September 13, in which it was stated that the committee considered it important that the just and legal rights of the civilized Indians should be protected, "but not having any certain information on the subject, they can only recommend it to your consideration."[7]

The spirit exhibited in the letter of the San Felipe committee of safety became the spirit of the Permanent Council, and was adopted by each of the revolutionary bodies that governed Texas until March, 1836. The Permanent Council on October 18 adopted the report of a committee for appointing three commissioners to the civilized Indians. The commissioners appointed were Peter J. Menard, Jacob Garrett, and Joseph L. Hood. Several of the Indian chiefs had been invited to convene with the whites in their Consultation for the purpose of having their claims to lands properly adjusted by that body, but they failed to attend, and the three commissioners were therefore instructed to proceed to their villages and ascertain the cause of their grievances, and to assure them that their case would receive prompt attention as soon as the Consultation should reconvene. "This committee are of the opinion," said the report,

> that there have been unwarrantable encroachments made upon the lands occupied by the said Indians; therefore be it resolved by the permanent council of Texas now in session, that Peter J. Menard, Jacob Garrett, and Joseph L. Hood, be appointed commissioners for the purpose of holding consultations with the different tribes of Indians, and giving them such assurances as may be necessary for the advancement of their rights and privileges as citizens of Texas, and for the purpose of transacting such other business as may be necessary to promote the cause of the people of Texas.

[6] "Texas Revolutionary Documents," in Southern Historical Association *Publications*, VII, 89, 90.

[7] *Ibid.*, VIII, 20.

It was made the duty of the commissioners to co-operate at all times with the local committees of safety.[8]

At the same time, however, the Permanent Council provided a system of ranger service to keep the Indians in check. On October 17 a resolution was adopted authorizing Silas M. Parker to employ and superintend twenty-five rangers to guard the frontiers between the Brazos and Trinity rivers; Garrison Greenwood was authorized and required to employ and superintend ten rangers on the east side of the Trinity; and D. B. Fryar to employ twenty-five rangers for service between the Brazos and Colorado rivers. A committee of five men was appointed to report on the details of this scheme. The committee reported on the same day, and their report was adopted by the Council. The superintendents of the rangers from the Colorado to the Brazos and from the Brazos to the Trinity were to make their place of rendezvous at the Waco village, on the Brazos; those on the east of the Trinity were to rendezvous at Houston. The superintendents were to be vigilant in carrying the provisions of the resolution into effect, and were to have the authority to contract for ammunition, and to draw on the general council for payment. The companies were to select officers, whose duty it was to make reports to the superintendents every fifteen days, and the superintendent was to report to the General Council every thirty days. The companies ranging from the Colorado to the Brazos and from the Brazos to the Trinity were to rendezvous at the Waco village every fifteen days unless engaged in pursuing Indians, and the companies were to unite whenever their officers considered it necessary. Finally, the officers were to be "particular not to interfere with friendly tribes of Indians on our borders."[9]

The Consultation, which succeeded the Permanent Council on November 3, took further steps to secure the good will of the Indians. On the day before it adjourned a resolution was adopted in which the claims of the Indians to the lands they occupied in East Texas was recognized, and the Governor and General Council were advised to send commissioners to form a treaty with them. On November 15, Henry Smith, who had been elected provisional governor, advised the carrying into effect of the recommendation

[8]Texas Historical Association *Quarterly*, IX, 288.

[9]"Journal of the Permanent Council," in Texas Historical Association *Quarterly*, VII, 260-262.

of the Consultation. On the 22d Smith was empowered by the General Council to appoint Sam Houston, John Forbes, and John Cameron as commissioners to the Indians. The commissioners proceeded to the village of Bowl, military chief of the Cherokees, and on February 23, 1836, a treaty was drawn up agreeable to the wishes of the Cherokees.[10]

During the progress of the War of Independence the western frontier was evacuated by the people before the advancing Mexican army, hence there is no record of Indian wars in the West. In the East the civilized tribes were kept quiet partly through the promises held out to them by the Permanent Council and the Consultation for a definite settlement of their claims. At the same time, however, the Texans deliberately attempted to create the impression in the minds of officers of the United States that there was danger of an Indian uprising in the East, and it was their success in this propaganda that caused General Gaines to send some United States troops to Nacogdoches in the summer of 1836. By the treaty between the United States and Mexico both nations were to undertake to keep their Indians quiet, and it was this treaty that made possible the intervention of the United States in the affairs of Texas. It is interesting to notice that the colonists had attempted to form an alliance with the Indians in the spring of 1836.[11]

With the defeat of the Mexicans in the battle of San Jacinto, April 21, 1836, and the subsequent withdrawal of all enemy forces from Texas, those who had fled before the invaders returned to their homes. Besides, the settlers in search of new lands pushed out into territory regarded by the Indians as their hunting grounds, and the surveying parties early became an object of suspicion, the surveyor's compasses being known by the Indians as "land stealers."[12] The Indians were very troublesome and threat-

[10]Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 139.

The relations with the Cherokees, their claims to lands in East Texas, and their final expulsion from Texas, is so different from the relations with the other Indian tribes that I shall treat it in a separate section, contenting myself here with a reference to that tribe only when they come into the natural development of the subject.

[11]E. C. Barker, "The United States and Mexico, 1835-1837," in *The Mississippi Valley Historical Review*, I, 20, 21.

[12]W. D. Wood, "History of Leon County," in Texas Historical Association *Quarterly*, IV, 204.

ening in the latter part of 1836 and throughout 1837. President Burnet had placed Captain Robert M. Coleman in charge of a ranging force divided into three or four detachments. One detachment was on the Trinity, one at the Falls of the Brazos, one at the Three Forks of Little River, and one near the mouth of Walnut Creek on the Colorado. These detachments fought numerous battles with the Indians.

On January 7, 1837, a detachment of fourteen men and boys under Lieutenant George B. Erath fought one hundred Indians eight miles west of Cameron, killing fifteen. A short time later a battle was fought near where Austin now stands, in which the Indians were defeated. Several men were murdered at different times in Lavaca County. In Fayette County John G. Robison, a member of Congress, and his brother, who was visiting him from the United States, were killed. On the Trinity, west of Palestine, David Faulkenberry, his son Evan, and Columbus Anderson, were killed. Massacres occurred during this year at various places in East Texas.[13]

The attitude of President Houston, in spite of the evident unpopularity of that policy, was one of conciliation throughout his administration; and in the early part of his administration he had the sympathy and support of Congress. In a message to the Senate, November 6, 1836, shortly after his inauguration as President, he said,

> The friendship and alliance of many of our border Tribes of Indians will be of the utmost importance to this Government, keeping them tranquil and pacific, and if need shall require it, affording us useful auxiliaries.

He suggested the advisability of entering into commercial treaties with them, and announced the appointment of commissioners to conclude articles of peace, friendship, and intercourse.[14]

In an act to protect the frontier, approved on December 5, 1836, the Congress took a middle ground between the advocates of extermination and conciliation. The President was required to raise, with as little delay as possible, a battalion of mounted riflemen, to consist of two hundred and eighty men for the pro-

[13]Brown, *History of Texas*, II, 129.

[14]*Secret Journals of the Senate of the Republic of Texas* (First Biennial Report of the Texas Library and Historical Commission), 19. Hereafter this is referred to as *Secret Journals*.

tection of the frontier. The term of service was to be twelve months. The President was also authorized to order out such number of the militia as the exigencies of the case might require. He was further directed to have such block houses, forts, and trading houses erected, as, in his judgment, might be necessary to prevent Indian depredations. And finally, it was to be the duty of the President to enter into such negotiations and treaties as might secure peace to the frontiers; he was to have power to appoint agents to live among the Indians, and to distribute presents as he deemed necessary, not to exceed in amount twenty thousand dollars.[15] That no steps had been taken for the organization of the mounted battalion before the middle of the following year, is indicated by a resolution, approved June 7, 1837, authorizing the President to absent himself from the seat of government for thirty days "to organize and set on foot the corps of mounted gun men, authorized to be raised by the act passed the present session of congress for the protection of our northern frontier."[16] On December 10, 1836, a joint resolution was approved authorizing and requiring the President to take such measures "as in his judgment will effect the release or redemption of our unfortunate prisoners, captured by and in the possession of hostile Indians, said to be on the waters of Red River, either by calling for and sending volunteers against said Indians, or by purchase, treaty or otherwise."[17]

In the spring of 1837 some Mexican agents visited the various Indians on the frontier, promising them arms, ammunition, all the booty taken, and peaceful possession of the frontier after the Americans were driven out, and by these promises many Indians were induced to join the Mexicans. Houston attempted in June to organize a mounted force for the punishment of the Indians. He ordered Lieutenant A. C. Horton, of San Augustine, to raise a force of one hundred and twenty men and as many more volunteers as were necessary to proceed against the Indians. Nothing seems to have come of this, however.[18] On November 10, a body of eighteen rangers fell in with a band of one hundred and fifty hostile Indians, and after a long battle the Indians were defeated, leaving fifty dead, while the loss of the Texans was only Lieu-

[15] *Laws of the Republic of Texas*, I, 53-54.
[16] *Ibid.*, 244.
[17] *Ibid.*, 74.
[18] Yoakum, *History of Texas*, II, 228.

tenant Miles and eight men.[19] That was the most serious attempt to chastise the Indians during the year.

In spite of the constant reports of Indian attacks on defenceless settlers, Houston showed by his message to Congress, November 21, 1837, that he still considered conciliation the best policy to pursue. It was of interest to the country, he said, that the relations with the Indians be placed upon a basis of lasting peace and friendship. Convinced of that truth, it had been his policy to seek every possible means to accomplish that object, and give security to the frontier; and he considered the indications more favorable than they had been at any time before Texas assumed that attitude. "Measures are in progress with the several tribes," he continued,

> which with the aid of suitable appropriations by Congress, may enable us to attain the objects of peace and friendly intercourse. Apprised of these facts, it is desirable that the citizens of Texas should so deport themselves, as to become the aggressors in no case, but to evince a conciliatory disposition whenever it can be done consistently with justice and humanity. . . . The undeviating opinion of the Executive has been, that from the establishment of trading houses on the frontier (under prudent regulations), and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of Congress which experience will readily suggest.[20]

In carrying out this policy he insisted on the ratification by the Senate of the treaty drawn up with the Cherokees in 1836, and the running of the boundary line under that treaty.[21] He advised the settlers to stay at home and not tempt the Indians to hostile attacks; and it was charged by a newspaper in the heat of a political campaign in 1841, that when a committee of men from Robertson and Milam Counties asked for protection for the frontier, he answered that "he hoped every man, woman and child that settled North of the San Antonio Road would be tomahawked."[22]

The year 1838 was not different from the preceding year. A committee on October 12, 1837, had reported that several of the tribes of Indians were at peace, and advised the President to at-

[19] *Telegraph and Texas Register*, December 23, 1837.
[20] Crane, *Life and Select Literary Remains of Sam Houston*, 292.
[21] *Secret Journals*, 35, 36, 37.
[22] *Telegraph and Texas Register*, August 25, 1841.

tempt to make a treaty with the Comanches. At the same time they denied the right of the Cherokees to the land which they occupied.[23] This was not done, however, and the Comanches continued to harass the western frontier. A few instances are here given to illustrate the conditions. On August 10 Captain Henry W. Karnes with twenty-five men was attacked by 200 Comanches, and after a furious fight drove them off with a loss of twenty of the assailants. On the Rio Frio, about the same time, a surveying party was attacked, and several of the party wounded. On October 19 a surveying party seven miles west of San Antonio was attacked and the surveyors killed. In October also occurred the surveyors' fight in Navarro County, when twenty-three men fought several hundred Indians from 9 o'clock in the morning till 12 o'clock at night.[24]

In the summer of 1838 the Indians of the East became restless, due partly to the efforts of Mexican agents, and partly to the failure of the Senate to ratify the treaty with the Cherokees. In August took place the curious Nacogdoches rebellion. On August 4 a party of citizens who went in search of some horses that had been stolen found the trail of a large number of Mexicans. On the 7th it was reported that there were a hundred or more Mexicans encamped about the Angelina under the command of Nathaniel Norris, Vicente Cordova, and Cruz. On the 10th it was reported that the Mexicans had been joined by 300 Indians, and that their force then amounted to 600. The same day they sent a letter to President Houston disclaiming allegiance to Texas, and set out for the Cherokee nation. Major Augustin was detached with 150 men to follow the rebels, while General Rusk marched with the main force of the Texans to the village of Bowl, military chief of the Cherokees. Before reaching there he found that the insurgents had dispersed.[25]

No satisfactory explanation has ever been made of the purposes that the Mexicans had in mind in this rebellion. On August 20, a Mexican by the name of Pedro Julian Miracle was killed on the Red River, and on his body were found instructions from General Vicente Filisola directed to the Mexicans and friendly Indians in

[23] *Secret Journals*, 75-79.

[24] Brown, *History of Texas*, II, 143.

[25] Yoakum, *History of Texas*, II, 245-246; Bancroft, *North Mexican States and Texas*, II, 320; Brown, *History of Texas*, II, 143.

Texas, together with a diary which Miracle had kept during his journey into Texas. The instructions and the diary taken together would indicate that Miracle was visiting the Mexicans and Indians in the region of Nacogdoches for the purpose of fomenting a conspiracy, and it was probably due to his activities that the Mexicans decided to revolt. One of the documents found on the body of Miracle was entitled "Private instructions for the captains of friendly Indians of Texas, by his Excellency the General-in-chief Vicente Filisola," and it was apparently aimed to control his activities with the Indians. He was to invite the principal chiefs to a meeting and propose to them that they and their friends should take up arms in defence of the Mexican territory in Texas. Afterwards, he was to meet several from each tribe, and distribute among them powder, lead, and tobacco, "in the usual manner."

> You will make them understand that as soon as they have agreed in taking up arms, they will be rewarded according to their merits; and that so soon as they have taken possession of the places that I have mentioned to you, you will advise me by an extraordinary courier, giving me a detailed account of the strength of the Mexican force, and of the Indian tribes, with the plan of attack, that I may be enabled to direct the forces that are to leave from this place to the assistance of those who are to operate in that quarter. Make them understand that as soon as the campaign is over, they will be able to proceed to Mexico, to pay their respects to the Supreme Government, who will send a commissioner to give to each possession of the land they are entitled to.

A second document, apparently written by Miracle himself, was addressed, "Companions and friends." In it he called upon the Indians to give their service to their country during the campaign which was about to take place, and declared that he had been instructed by the general-in-chief to pay particular attention to their behavior during the campaign and report it to him. "As soon as the news of our operations are made known in Matamoras," he ended, "his excellency the general-in-chief will make a forced march towards the point where our troops may be, so that in the event of any sudden reverse, you will be aided, and a central position fixed upon for your reunion, to be headquarters during the remainder of the campaign."

According to the memorandum book which was found on the body of Miracle, he left Matamoras on May 29, and after a leisurely journey, accompanied by Mexican and Indian followers, he

arrived on the Trinity and made camp on July 2. An extract from his diary will explain to some extent his activity.

July 4. Started for "Plazeta creek." Soon after we discovered the farms of the Choctaw Indians; we directed our course towards the rancho of Buenavista.

July 5.—Don Vicente Cordova presented himself and read the communication of his excellency the general-in-chief, Don Vicente Filisola.

July 7.—We expect to meet the Indian chiefs or captains.

July 8.—About three o'clock in the afternoon Guimon, Boll, and their interpreters, made their appearance; but, on account of the rain, nothing was done.

July 9.—At seven o'clock we started to a rancho to hold a consultation with the Indians. We read the communication of his excellency the general-in-chief; the interpreters being inefficient, nothing was done. They left us without any understanding, but are to meet them in ten days, when they will determine. They left an Indian to conduct me to Boll's house; which was done, and we reached that place drenched with rain. I am to take the first opportunity to speak to Boll, to show him by private instructions; but I can do nothing as yet. He has sent me to another of his houses where I could conceal myself; for he said that some Americans were coming with a communication from Houston, the contents of which I have not learned. Nothing can be done without trouble. [From the ninth until the seventeenth Miracle remained concealed.]

July 17 and 18.—In the afternoon of these days several Indians made their appearance for the meeting.

July 19.—Boll, Dillmoor, and several other captains, came in; but the non-arrival of the Kickapoos delayed our meeting.

July 20.—The meeting took place. War was agreed upon as soon as circumstances would permit, and as speedily as possible; the amount of our force to be taken immediately; including Nacogdoches we have 510 men. At five o'clock p. m. Capt. Saguano began to raise objections to the making of any movement until the arrival of the army in the country when war could be carried on with energy; but finally it was resolved that our force should be in readiness at a moment's warning. At five o'clock Boll left us, and all went away, including Cordova and the people of Nacogdoches, about eight o'clock in the morning.

The remainder of the diary records visits to the other tribes, and comes to an end with an entry for August 8.[26]

[26]Copies of these documents found upon Miracle were sent to the American State Department by the Texan Minister, Anson Jones, on December 31, 1838, with a claim that the conditions were made worse on the border

Lamar was aware of the conditions on the frontier, and of the unpopularity of Houston's Indian policy, being informed both by his own interest as a presidential candidate and by the reports of his friends. On June 26, 1838, he received a letter from Reuben H. Roberts of Aransas, supporting his candidacy for the presidency, saying that the cry of the people was for a President who would protect the frontier.[27] On July 29, William McCraven wrote from San Antonio, telling of the dangers from Mexicans and Indian marauders, and expressing the popular hope that Lamar's administration would defend the frontier.[28]

On August 24, General Rusk wrote to Lamar from Nacogdoches concerning the Cordova rebellion, as follows:

Dear Genl

I have received your letter by Col Bee for which please accept my thanks You must excuse me for not having written you before but recent events have crowded on me so fast that I have had very little time. I will in a few days give you a full account of the recent rebellion here it was a deep and well laid scheme to involve the country in a general Indian war I have had great difficulty in preventing it His Excellency has acted strangely indeed had I been governed by his peremptory orders I have not the least doubt that an Indian war would have been now raging here but a timely demonstration of force by marching six hundred horsemen through their Country excited strongly that which can only be depended upon in Indians their fear.[29]

Two days later Hugh McLeod, adjutant to General Rusk, wrote, saying that the Mexicans had plotted for a general uprising of Indians, and but for Rusk's promptness they might have brought it about. He criticised President Houston severely for his conduct during the rebellion. "He cramped Genl Rusk in ever way," he said, "with his orders, written here, where one could not judge what was the true state of affairs at HdQrs."[30] Besides these, there were other letters strongly criticising the policy of Houston and hoping that Lamar would adopt a different policy with regard to the Indians.

On October 22 McLeod reported a renewal of Mexican hostili-

by the failure of the two governments to run the boundary line. They appear printed in 32 Cong., 2 session, *Senate Documents*, No. 14, pp. 11-17.

[27] *Lamar Papers*, No. 753.

[28] *Lamar Papers*, No. 772.

[29] Rusk to Lamar, August 24, 1838, *Lamar Papers*, No. 797.

[30] McLeod to Lamar, August 26, 1838, *Lamar Papers*, No. 800

ties, giving an account of the battle of Kickapoo on the 16th, and on the 25th he wrote that Rusk had become convinced that the time had come for a campaign of extermination against all Indians except the friendly ones.[31] On November 17, General Rusk wrote, suggesting the creation of a permanent force of five hundred men to operate against the Indians. At the same time he suggested that Lamar demand the removal of all United States Indians under the treaty of 1831 between the United States and Mexico.[32]

The inauguration of Lamar was to take place on December 10, and the stage was set for a declaration of policy different from that of Houston, who continued to insist that his policy was the only one that promised success. Houston delivered his valedictory message on November 19, and to illustrate the contrast of the attitude of the outgoing to that of the incoming President, I shall give his policy as he expressed it. Criticising the whites for their aggression on the Indian lands, Houston said:

> The great anxiety of our citizens to acquire land induced them to adventure into the Indian hunting grounds in numbers not sufficient for self-protection, and inasmuch as they met with no serious opposition in the commencement of their surveying, they were thrown off their guard, which afforded the Indians an opportunity of taking them by surprise, and hence they became victims to their own indiscretion and temerity.

The executive anticipated the consequences that would result from penetrating into the Indian hunting grounds, he said, and had done everything in his power to prevent such a course. His personal remonstrances were insufficient to control the determination of those whose opinions set at naught admonitions that could not be legally enforced. The Indians, by gaining partial advantages, were induced to form more numerous associations, that had rendered them formidable; and occasionally acquiring spoil, they had been induced to advance upon the settlements in marauding parties, while the continued surveys within their hunting grounds had so much exasperated their feelings that their invasions had become formidable to the frontier. He went on to say that the system of surveying lands had involved the country in all the calamities that had visited the frontier, and suggested that for some time to come restrictions should be placed on surveying be-

[31]McLeod to Lamar, October 22 and 25, 1838, *Lamar Papers*, Nos. 846, 852.

[32]Rusk to Lamar, November 17, 1838, *Lamar Papers*, No. 876.

yond the settlements. He concluded by censuring General Rusk for alleged encroachments on the Presidential power during the Cordova rebellion, and claimed that that revolt was brought about by violation of the rights of the Mexicans and Indians.[33]

Lamar did not leave the country long in doubt as to his policy in dealing with the Indians. "It is a cardinal principle in all political associations," he said in his first message to Congress, December 21, 1838, "that *protection* is commensurate with *allegiance,* and the poorest citizen, whose sequestered cabin is reared on our remotest frontier, holds as sacred a claim upon the government for safety and security, as does the man who lives in ease and wealth in the heart of our most populous city." He was not anxious to aggravate the ordinary calamities of war by inculcating the harsh doctrines of *lex talionis* toward debased and ignorant savages. War was an evil which all good people ought to strive to avoid, but when it could not be avoided, it ought to be so met and pursued as would best secure a speedy and lasting peace. The moderation hitherto extended to the Indians on the border had been answered by all the atrocious cruelties that characterize their mode of warfare. His solicitude for the due protection of the frontier had partially overruled his habitual repugnance to standing armies; and in the disturbed state of their foreign and Indian relations, the proper security of the country at large, especially the peace and safety of the border settlements, seemed to require the organization of a regular, permanent, and effective force.

He showed himself in harmony with the popular sentiment in his remarks concerning the Indians in the East. He referred to the trouble around Nacogdoches in August, and said that it was not all clear to him, but that he was far from conceding that the Indians, either native or immigrant, had any just cause of complaint. He proceeded to discuss the nature of their claims to lands in East Texas, showing to his satisfaction that they were worthless. He was particularly severe on the Cherokees and clearly foreshadowed stern measures with them. He suggested the establishment of a line of military forts, announced that agents were to be appointed to live in the Indian settlements, and that Indians were to be required to submit to Texan criminal laws.[34]

[33]Kennedy, *Texas,* II, 316.

[34]*Telegraph and Texas Register,* December 26, 1838; *Lamar Papers,* No. 361.

On the day that he sent this message to Congress he received from Congress, and approved, an act "to provide for the protection of the Northern and Western Frontier." It created a regiment comprising 840 men, rank and file, divided into fifteen companies of fifty-six men each. The term of service was to be three years, at a compensation of sixteen dollars a month, and with a bounty of thirty dollars. The regiment was to be divided into eight detachments, stationed as follows: at or near Red River; at or near the Three Forks of the Trinity; at or near the Brazos; at or near the Colorado River; at or near St. Marks River; at the headwaters of Cibolo; at or near Rio Frio; and at or near the Nueces River. At each of these posts fortifications were to be constructed. These posts were to become the center of frontier settlement. As soon as the positions were selected, three leagues of land were to be laid off and surveyed into lots of 160 acres each. Two of the lots were to be reserved for the government for the purpose of constructing fortifications, one lot was to be given to the soldiers obeying the term of enlistment, and the remainder was to be given in lots of 160 acres to bona fide settlers in fee simple who would live there two years. The act further provided for the establishment of sixteen trading posts.[35]

On January 1, 1839, two other acts for the further protection of the frontier were approved. The first authorized the President to accept eight companies of mounted volunteers for a period of six months, and appropriated $75,000 to maintain that force. The second appropriated the sum of $5,000 for a company of fifty-six rangers for a three months period.[36] A little later another act was approved providing for three companies of militia for the protection of the frontier;[37] and an January 24, the sum of $1,000,000 was appropriated for the protection of the frontier.[38]

In October conditions had become unsettled in the East again, and on the 16th the army under Rusk fought a battle with a mixed force of Mexicans and Indians at Kickapoo. Shortly afterwards the Caddos in the Red River valley became threatening, and just before Lamar's inauguration, Rusk had followed them into the United States and disarmed them, thereby incurring a

[35]Gammel, *Laws of Texas*, II, 15.
[36]*Ibid.*, II, 30, 31.
[37]*Ibid.*, II, 74.
[38]*Ibid.*, II, 84

protest from the government of the United States.[39] These activities made necessary the use of the whole army in the East, and the West was left unprotected. On January 2, 1839, Joseph Baker, Indian agent at San Antonio, reported that the Comanches, Lipans, and Tonkawas were active, and that several children had been captured at Gonzales; on the 16th, several citizens sent a circular announcing Indian attacks in Robertson County, and appealing for aid.[40]

It is not worth while to enumerate all the Indian attacks during this period. It is sufficient to say that a lack of interest in frontier protection had caused the depletion of the army, and a lack of funds at the outset of Lamar's term made impossible the carrying into effect of the ambitious program that he had announced. His response to the appeals for help coming from the western counties was that the lack of funds made him unable to do anything effective in defending the frontier, but that an agent was then in New Orleans attempting to sell bonds, and that he would apply all the proceeds from the sale to the purchase of ammunition and the payment of soldiers.[41] On February 28 he called for volunteers from eight counties in western Texas for an Indian war. Edward Burleson had been appointed a colonel in the regular army and stationed at Bastrop, but recruiting was very slow, and practically the only defence for the western frontier during the year was by volunteer bodies, supported by what there was of a regular army. It is likely, however, that the endorsement of an aggressive policy by Lamar gave encouragement to the citizens in their local warfare with the Indians.

By far the most troublesome Indians to the Texans were the Comanches, who had established themselves on the headwaters of the Colorado before the American occupation. Throughout the period of the Republic, and even after annexation, they made frequent attacks on the western settlements. President Houston was authorized by the Senate to make a treaty with them in 1837, and he invited a number of their chiefs to Houston where he had a conference with them, giving them presents, and accepting their

[39] *Indian Affairs*, 1831-1841; McLeod to Lamar, November 21, 1838, *Lamar Papers*, No. 882; 32d Cong., 2d sess., *Senate Document*, No. 14, p. 17.

[40] *Lamar Papers*, Nos. 982, 1016.

[41] Lamar to Inhabitants of Robertson's Colony, February 22, 1839, *Lamar Papers*, No. 1084.

promise to keep the peace. In 1838, during the closing year of Houston's administration, no effort was made by the government to protect the frontier from the Comanches, and the President went so far as to criticise the whites for provoking attacks from the Indians by their imprudence. Lamar gave to the local movements the moral support of the administration, and as far as possible the actual physical support. I shall follow out, as far as possible, the relations with the western tribes, particularly the Comanches, reserving a discussion for the relations with the immigrant tribes of East Texas until later.

In the latter part of January, 1839, three companies of volunteers were organized and placed under the command of Captain John H. Moore, and ordered to move against the Comanches. They marched up the Colorado. On the 14th of February they came to within ten miles of the Indian village, and after dark attacked a vastly superior force. After killing about thirty of the Indians and losing one killed and six wounded, the Texans drew off and did not renew the fight. In the latter part of February, a party of Indians committed several murders in the vicinity of Bastrop, and were attacked by about fifty Texans. The Texans were forced to fall back, but were reinforced by General Burleson with thirty men, and after a sharp battle the Indians fled. In May, a force of thirty-five men under Captain John Bird discovered a party of twenty-seven Indians on Little River. They pursued them until the Indians came up with the main body of from two hundred and fifty to three hundred. The Texans managed to secure an advantageous position, and beat the Indians off with severe losses.[42]

The punishment that the Indians received in these engagements caused them to be more wary in their attacks, and early in the following year an effort was made to enter into a treaty with the Texans. In February, 1840, some of the Indians came to San Antonio for the purpose of making peace with Texas, and were told by the commissioners to bring in the captives they had taken. The Indians promised to do this, and on March 19, appeared with only one captive. Twelve of the chiefs met the commissioners, and when called upon to produce their captives produced only one little girl. The Texans knew that the Comanches had other cap-

[42]Yoakum, *History of Texas*, II, 261-263; Report of Secretary of War, November, 1839.

tives and demanded that they be brought before any treaty would be signed. When the chiefs claimed that they had no other captives, General McLeod, who was in command of the Texans, ordered a company of soldiers into the house and told the Indians they were under arrest, and that they would be detained until they sent the rest of their company for the prisoners and brought them in. This statement immediately precipitated a fight in the council room, which spread to the warriors outside. All the chiefs and warriors were killed, and twenty-seven women and children were taken prisoner, the Texans losing seven killed and eight wounded. The women were kept prisoners while one of their number was sent to inform the Comanches what had taken place and to say that the Texans were willing to exchange prisoners. A few days later she returned with two white captives and four or five Mexicans, and proposed to exchange them for her people and pay the difference in horses. She was informed that all the white prisoners must be brought in.[43]

In revenge for this battle at San Antonio, the Indians planned an extensive campaign. Aided by the Mexicans and some Kiowas, a band estimated at from four hundred to a thousand Indians suddenly attacked Victoria on the evening of August 6. The citizens had had no notice of their coming, but they managed to take refuge in the center of the town, and put up an effectual resistance, losing only a few persons and a considerable number of horses. They made another attack the next day, which also failed, and then they crossed the Guadalupe River and attacked Linnville on the coast. The inhabitants took refuge in a lighter on the Gulf, but the Indians burned the town and carried away most of the goods and cattle that they could find. In the meantime volunteers had been collecting, who, joined by regulars and rangers, intercepted the Indians at Plum Creek. Here under General Felix Huston, the Texans fought and defeated the Indians, killing from fifty to eighty, and recovered all horses and prisoners. The Indians were pursued for some distance, but the main body made its escape.

Not content with the defeat of the Indians at Plum Creek, the Texans determined to send an expedition into the Comanche coun-

[43]Report of McLeod to Secretary of War, March 20, 1840; *Telegraph and Texas Register*, April 15, 1840; Bancroft, *North Mexican States and Texas*, II, 324; Yoakum, *History of Texas*, II, 298; Brown, *History of Texas*, II, 175.

try, and chastise them so that they would make no more attacks on the frontiers. Colonel John H. Moore, who had followed the Comanches up the Colorado to their village in February, 1839, was chosen to lead the expedition. Setting out about the first of October with ninety men, besides twelve friendly Lipans, he went up the Colorado about three hundred miles to where Colorado City now stands. Here the Lipans found the Comanche village in the bend of the river, with a bluff to cut off their retreat. McLeod sent thirty men to occupy the bluff, and with his main force made a surprise attack, which proved fully successful. Only two warriors escaped, and a hundred and thirty-four were found dead on the field. Thirty-four squaws and children were captured. The Texans had a few wounded but none killed. This ended the organized attacks of the Comanches during Lamar's administration, though they continued to annoy outlying settlements.[44]

II. Relations with the Cherokees

A group of Indians that furnished a special problem to the Texans from their first immigration, consisted of the semi-civilized tribes which had emigrated from the United States, consisting of the Cherokees, the Coshattoes, the Kickapoos, the Choctaws, the Shawnees, the Biloxis, and the Caddoes. Most of these had no claim to the soil on which they had settled, and contemporaries and historians have agreed on the justice of their removal from Texas. The Cherokees did have some claim, however, or thought they did, to the occupancy and government of the region where they were settled. The refusal of Lamar to recognize their claims as valid, and his determination to treat them as other immigrant tribes, make necessary a full discussion of their claims, both under the Mexican régime and after the Texans had won their independence.

In the winter of 1819-20, the first party of Cherokees, consisting of sixty warriors, left their settlements among the Caddoes north of Red River, and came into Texas, settling somewhere along the boundary between the Caddoes and the Prairie Indians.[45] By

[44]Accounts of this campaign can be found in Yoakum, *History of Texas*, II, 302-305; Bancroft, *North Mexican States and Texas*, II, 325-326; Brown, *History of Texas*, II, 178-183. Brown as a young man was present as a volunteer in the battle of Plum Creek, and writes an interesting account of the battle.

[45]E. W. Winkler, "The Cherokee Indians in Texas," in Texas Historical

the latter part of 1824 they were claiming the region lying between the Sabine and Trinity Rivers north of the San Antonio Road, which continued to be their claim until driven from Texas in the summer of 1839. Whether or not they had permission from the Spanish authorities to settle in Texas it is impossible to say. A letter from Richard Fields, their chief, to James Dill, alcalde at Nacogdoches, just after the revolution which freed Mexico from Spanish rule in 1822, indicates that probably some Spanish governor had given them the right to locate there for hunting purposes. The letter, addressed to the "subsprem Governor of the Provunce of Spain," February 1, 1822, asked what was to be done with the poor Indians. They had some grants, it said, which were given them when they lived under the government of Spain, and they wanted to know whether or not the grants would be recognized by the new government. This letter was forwarded to the governor by Dill, but it elicited no response.[46]

Early in November, 1822, Fields with twenty-two more Indians, visited Don José Felix Trespalacios, the governor of the province of Texas, and asked permission for all belonging to his tribe to settle upon the lands of the province. Trespalacios entered into a temporary agreement with Fields, and sent him to the commandant general of the Eastern Interior Provinces at Monterey, Don Gaspar Lopez, who, if agreeable was to send him on to the court of the Empire, for the purpose of securing a confirmation of the grant given by Trespalacios. This agreement constitutes the main documentary evidence of the claims of the Cherokees in Texas prior to the declaration of the Consultation in 1835, and I shall quote it in full.

Article 1st. That the said chief Richard [Fields] with five others of his tribe, accompanied by Mr. Antonio Mexia and Antonio Walk, who act as Interpreters, may proceed to Mexico, to treat with his Imperial Majesty, relative to the settlement which said chief wishes to make for those of his tribe who are already in the territory of Texas, and also for those who are still in the United States.

Article 2d. That the other Indians in the city, and who do not accompany the beforementioned, will return to their village in the

Association *Quarterly*, VII, 96; *National Intelligencer*, September 15, 1820.

[46]Winkler, in *Ibid.*, 99. The original of this letter is in *Bexar Archives*. It is printed in full in Mr. Winkler's article, as cited.

vicinity of Nacogdoches, and communicate to those who are at said village, the terms of this agreement.

Article 3d. That a party of the warriors of said village must be constantly kept on the road leading from this province to the United States, to prevent stolen animals from being carried thither, and to apprehend and punish those evil disposed foreigners, who form assemblages, and abound on the banks of the river Sabine within the Territory of Texas.

Article 4th. That the Indians who return to their Town, will appoint as their chief the Indian Captain called Kunetand, alias Tong Turqui, to whom a copy of this agreement will be given, for the satisfaction of those of his tribe, and in order that they may fulfill its stipulations.

Article 5th. That meanwhile, and until the approval of the Supreme Government is obtained, they may cultivate their lands and sow their crops, in free and peaceful possession.

Article 6th. That the said Cherokee Indians, will become immediately subject to the laws of the Empire, as well as all others who may tread her soil, and they will also take up arms in defense of the nation if called upon so to do.

Article 7th. That they shall be considered Hispano-Americans, and entitled to all the rights and privileges granted to such; and to the same protection should it become necessary.

Article 8th. That they can immediately commence trade with the other inhabitants of the Province, and with the exception of arms and munitions of war, with the tribes of Savages who may not be friendly to us.[47]

Fields and his party arrived in Saltillo, the headquarters of the commandant general, early in December, and after being entertained by him for a few days were sent on to Mexico City, arriving there early in 1823, at the time when the revolution against the power of Iturbide was taking place. During the progress of the revolution Fields and his companions remained in Mexico, awaiting a settlement of their claims. On April 27, 1823, the minister of relations in the provisional government, announced the decision of the government to recognize the agreement between Fields and Trespalacios until a general colonization law could be passed. "The Supreme Executive Power," wrote Alaman to Don Felipe de la Garza, who had succeeded Lopez as commandant general of the Eastern Interior Provinces,

has been pleased to resolve that Richard Fields chief of the Cher-

[47] *Record of Translations of Empresario Contracts*, 85. General Land Office of Texas.

okee Tribe of Indians, and his companions now in this Capital, may return to their country, and that they be supplied with whatever may be necessary for that purpose. Therefore, Their Supreme Highnesses have directed me to inform you, that although the agreement made on the 8th November 1822 between Richard Fields and Colonel Felix Trespalacios Governor of Texas, remains provisionally in force, you are nevertheless, required to be very careful and vigilant, in regard to their settlements, endeavoring to bring them towards the interior, and at places least dangerous, not permitting for the present the entrance of any new families of the Cherokee tribe, until the publication of the General Colonization law, which will establish the rules and regulations to be observed, although the benefits to arise from it, can not be extended to them, in relation to all of which, Their Highnesses intend to consult the Sovereign Congress. That while this is effecting, the families already settled, should be well treated, and the other chiefs also, treated with suitable consideration, provided that those already within our territory respect our laws, and are submissive to our Authorities; and finally, Their Highnesses order, that in future neither these Indians, nor any others be permitted to come to the City of Mexico, but only send their petitions in ample form, for journeys similar to the present, are of no benefit, and only create unnecessary expense to the State. All of which I communicate to you for your information and fulfillment.[48]

With this understanding Fields seemed fully satisfied and returned to Texas.

It is apparent from these documents that Fields received no more than a temporary concession, and that a permanent grant was left in abeyance. Besides, he was conceded no more than the right to sow his crops, and till his fields without interference from the authorities. A year later we find Fields claiming considerably more than this. In calling a council of all the Indian tribes for the purpose of forming a treaty with them, he said:

The superior government has granted to me in this province a territory sufficient for me and that part of the tribe of Indians dependent on me to settle on, and also a commission to command all the Indian tribes and nations that are in the four eastern provinces.

In the council he was to propose treaties with all Indians who would agree to submit themselves to the orders of the government, and if there were any who would not agree, he was to use force to

[48]Alaman to De la Garza, April 27, 1823, *Record of Translations of Empresario Contracts*, 85, 86; Winkler, as cited, 105, 106.

subdue them.[49] This letter of Fields's was transmitted to the government at Mexico City, and Alaman responded immediately that no such commission and no such grants had been made, stating that the only agreement was for an extension of the provisional treaty between Trespalacios and Fields of November 8, 1822.[50]

On August 18, 1824, the general colonization law was passed, giving to the States the right to make regulations for the distribution of lands within their boundaries. The State of Coahuila and Texas passed their colonization law on March 24, 1825. Less than a month later, April 15, 1825, the State granted three contracts for the settlement of two thousand families in the region claimed by the Indians. Robert Leftwich was to settle eight hundred west of the Cherokee claim, Frost Thorn four hundred north of their villages, and Edwards eight hundred on the lands claimed and occupied by the Cherokees. These grants do not, of course, prove that the Indians had no claim to the lands. It is more likely that the authorities of the State of Coahuila and Texas knew nothing of the temporary grant by Trespalacios and confirmed by the authorities in Mexico. The granting of their lands to others, however, led to a threatened revolt, which was prevented only by earnest efforts on the part of friends of Texas.[51] At the same time Fields was assured that he would get suitable lands, and he continued to assert all the powers he had claimed before.

On March 20, 1826, when a general Indian war was threatening, Fields wrote to the political chief at San Antonio promising help against those Indians, the Comanches and others, who were refusing to come to terms with the Mexicans. A little later Stephen F. Austin was ordered by the *commandante* at San Antonio to attack the Wacoes, Tehuacanos, and other tribes, and he called upon Fields for assistance, stating that it would be the means of securing the lands which the Cherokees desired. Fields asserted his willingness to assist the whites, but said the waters of the Neches were too high for them to get across. The attack was postponed at that time, but in the autumn Fields asked permission to make war on the same Indians, which was granted. Before it could take place, however, other matters entirely changed the aspect of affairs, and the Cherokees were ready to attack the Mexicans.[52]

[49]Winkler, "The Cherokee Indians in Texas," *op. cit.*, 108.
[50]*Ibid.*, 110.
[51]*Ibid.*, 117-120.
[52]*Ibid.*, 126.

In the summer of 1825, about the time that Fields was preparing to secure his lands by force, John Dunn Hunter, a white man who had spent several years of his youth in captivity with the Indians, and who had wonderful schemes for civilizing the Indians, made his appearance among the Cherokees of Texas. Hunter counselled friendship with the Mexicans, and proceeded to Mexico City to petition for lands for the Indians, arriving there on March 19, 1826. It seems to have been the purpose of Hunter to secure from the government a grant of land in the vacant parts of Texas and Coahuila for the settlement of nearly 20,000 warriors, who were to adopt the Catholic religion, take the oath of allegiance to the Mexican Government, devote themselves to agricultural labor, and defend the frontiers.[53] Hunter returned about September and announced the failure of his mission, and the Cherokees immediately began preparations to gain by force what they had not been able to get peaceably.

A council was called, and addressed by Hunter and Fields. The speech of Fields, as reported to Stephen F. Austin by P. E. Bean, indicates that he was willing to demand perhaps more than he believed had been granted. In the language of Bean, it was as follows:

> In my old Days I travilid 2000 Miles to the City of Mexico to Beg some lands to setel a Poor orfan tribe of Red Peopel that looked up to me for Protasion I was Promised lands for them after staying one year in Mexico and spending all I had I then came to my Peopel and waited two years and then sent Mr. hunter again after selling my stock to Provide him money for his expenses when he got there he Staited his mision to Government they said they New nothing of this Richard fields and treated him with contampt I am a Red man and a man of onor and Cant be emposid on this way we will lift up our tomahawks and fight for land with all those friendly tribes that wishes land also if I am Beaten I will Resign to fait and if not I will hold lands By the forse of my Red Warriors.[54] . . .

It was at first the purpose of the Cherokees to attack the Americans in Texas, and they were to begin with Edwards's colony, which included the lands occupied by them. At about that time, however, Edwards had become involved in a controversy with the

[53] *Ibid.*, 123.

[54] P. E. Bean to S. F. Austin, December 30, 1826, in *Austin Papers*. Winkler, "The Cherokee Indians in Texas," *op. cit.*, 133.

authorities and in the end this resulted in the revocation of his grant. Rather than submit to the loss which this would entail, Edwards and some of his followers raised a rebellion against the authority of Mexico, declaring the colony independent under the name of Fredonia. Hunter thought it best to consult with the colonists under these circumstances, and he went to Nacogdoches for the purpose. Hunter's visit resulted in a treaty of alliance between the Cherokees and the rebels under Edwards.

The treaty of alliance as drawn up by Hunter and Fields on the part of the Indians and Harmon B. Mayo and Benjamin W. Edwards as Agents of the Committee of Independence provided that the contracting parties bound themselves into a solemn Union, League and Confederation, in peace and war, to establish and defend their independence against the Mexican United States. The boundary between the whites and the Indians was outlined, and it was agreed that the territory apportioned to the Indians was intended as well for the benefit of those tribes living in the territory apportioned to the whites as for those living in the former territory, and that it was encumbent upon the contracting parties for the Indians to offer those tribes a participation in the territory.[55]

It is not my purpose to follow the events connected with this rebellion. The other American settlers in Texas not only refused to give any assistance to the rebels, but joined the authorities in putting them down. The Cherokee chiefs were unable to form a league of the Indians in Texas, or even to secure the united support of their own people. Mexican agents went among the Indians and promised them land if they would refuse to join in the movement for independence. Among these agents P. E. Bean was the most active. Through his influence the political chief wrote a letter to Fields attempting to explain the failure of the government to grant the lands desired, and promising that the grants would be made as soon as possible. He failed, however, to detach Fields and Hunter from the alliance; but the activity of the agents among the Indians themselves was more successful, and the greater part of them under the leadership of Bowl and Big Mush went

[55]Foote, *Texas and the Texans*, I, 253-256; Winkler, "The Cherokee Indians in Texas," *op. cit.*, 142.

over to the Mexicans and killed Fields and Hunter in January, 1827.[56]

In spite of the promise of lands to Bowl and Big Mush, in order to secure their co-operation against the rebels during the Fredonian rebellion, no steps were taken to put them in possession of the lands selected until 1831, though there was no effort to interfere with their peaceful possession. Instead of putting them in possession of the Edwards grant, the legislature divided that territory between David G. Burnet and Joseph Vehlein.[57]

On April 6, 1830, a Federal act prohibiting the further immigration of Americans into Texas was passed. As an alternative to American settlement of Texas, the law proposed the settlement of Mexican families around the Americans already there, thus overcoming the isolation of the Americans. General Teran, who had become commandant general of the Eastern Interior States, appealed to the governor of each State to furnish a certain number of Mexican families to settle upon the Texas frontier. The governors failed to respond to this request, and no Mexican families were sent. This determined Teran to attempt to settle Indians to keep the Americans in check. He decided to begin this by settling firmly the Cherokees on the land which they claimed and had occupied for several years, hoping thus to stop the American advance in this manner. On August 15, 1831, he wrote to Letona, the governor of Coahuila and Texas, as follows:

> In compliance with the promises made by the Supreme Government, to the Cherokee Indians, and with a view to the preservation of peace, with the rude tribes, I caused them to determine upon some fixed spot for their Settlement, and having selected it on the head waters of the Trinity, and the banks of the Sabine, I pray your Excellency may be pleased, to order that possession be given to them, with the corresponding Titles, with the understanding, that it will be expedient, that the commissioners appointed for this purpose, should act in conjunction with Colonel José de las Piedras, commanding the military force on the frontier of Nacogdoches.[58]

The local officials fell in with the suggestions of the commandant

[56]Winkler, "The Cherokee Indians in Texas," *op. cit.*, 146-150.

[57]Bancroft, *North Mexican States and Texas*, II, 110.

[58]*Record of Translations of Empresario Contracts*, 89. Translation by Thomas G. Western. Winkler, "The Cherokee Indians in Texas," *op. cit.*, 154.

general, and on March 22, 1832, the governor instructed the political chief to cause the commissioner, Piedras, to be furnished with such stamped paper as he might require for that purpose.[59] Before Piedras could carry out his instructions he had been expelled from Nacogdoches by an uprising of the American settlers, and this ended the efforts of the government to put the Indians in possession of their lands. Shortly after this Teran committed suicide and was succeeded as commandant general by General Vicente Filisola, the holder of an empresario grant himself. Governor Letona, bitterly hostile to the Americans, fell a victim of yellow fever and was succeeded by Beramendi, a warm friend of Texas.[60]

In 1833 the Cherokees with the assistance of the Americans took steps to secure the titles to their lands. A number of the Indians proceeded to San Antonio to lay before the political chief a petition expressing their desires, and giving the boundary of the lands that they wanted. On July 20, he gave them a pass to visit the governor at Monclova. On August 21, Governor Beramendi gave them a document which promised that they would not be disturbed until the supreme government could investigate; but because the time limit for the settlement of David G. Burnet's grant had not expired he could not put them in full possession.[61]

The matter was still unsettled in 1835. On March 10, the political chief wrote that the supreme government of the State would not let the Cherokees, Coshattoes, and other Indians be disturbed until the supreme government could pass on the subject. On May 12, the congress of Coahuila and Texas passed a resolution declaring:

> Art. 1. In order to secure the peace and tranquility of the State, the Government is authorized to select, out of the vacant lands of Texas, that land which may appear most appropriate, for the location of the peaceable and civilized Indians which may have been introduced into Texas.
>
> Art. 2. It shall establish with them a line of defense along the frontier to secure the State against the incursions of the barbarious tribes.[62]

This was the last act of the Mexican government with regard to

[59]Winkler, "The Cherokee Indians in Texas," *op. cit.*, 155; *Record of Translations of Empresario Contracts*, 90.

[60]Winkler, "The Cherokee Indians in Texas," *op. cit.*, 156, 157.

[61]*Ibid.*, 163.

[62]*Laws of Coahuila and Texas*, 300.

Indian claims. On November 11 the Consultation adopted articles for a provisional government, and declared all land offices closed until a government could be formed and a land office established under that government capable of issuing valid land grants. The Indian claims were left as they had been throughout the decade. Fields had obtained a shadowy temporary right to land. He had claimed much more for this grant than can be allowed. When the Mexican authorities failed to put him in possession of the land, denying knowledge of him in 1825, he joined with the Fredonian rebels against Mexican authority. In order to overthrow this rebellion, the Mexicans promised land to Bowl and Big Mush, without specifying what lands. The Indians insisted on receiving title to the lands lying between the Trinity and Sabine Rivers north of the San Antonio Road, though it had been officially granted to Burnet, Filisola, and others. During 1831-1832 the authorities contemplated putting the Cherokees in actual possession of that territory, but failed, as we have seen. When Bowl appealed to the governor of Coahuila and Texas in 1833, he was given the same evasive assurances as had been received before, but Beramendi threw some doubt on his right to the lands occupied. Finally, the congress of Coahuila and Texas proposed to remove them from their homes and establish them on the frontiers for defense against the hostile Indians.

The Mexican control of Texas passed with the question in this situation. The Indians had been promised land on numerous occasions, but not the land on which they were located. That land had been granted to others, so that the Mexican government could not legally grant it to the Indians. The period closed with the Indians having no legal claim, and knowing that they had no legal claim, to lands anywhere in Texas.

The Americans in the beginning of their revolt in 1835 recognized the importance of keeping the Indians quiet. The committees of safety had suggested the desirability of coming to some agreement with the Indians, and the Permanent Council had appointed three commissioners to proceed to the Indian villages and discover the cause of their grievances and attempt to settle them. The Consultation, which succeeded the Permanent Council, went further and recognized the rights of the Indians to the lands they had occupied and claimed. "We solemnly declare," said the declaration passed by the Consultation the day before adjournment,

that the boundaries of the claims of the said Indians are as follows, to wit, being north of the San Antonio road and the Neches, and west of the Angelina and Sabine rivers. We solemnly declare that the Governor and General Council immediately on its organization shall appoint commissioners to treat with the said Indians to establish definite boundaries of their territory and secure their confidence and friendship. We solemnly declare that we will guarantee to them the peaceable enjoyment of their rights and their lands as we do our own. We solemnly declare that all grants, surveys and locations within the bounds hereinbefore maintained, made after the settlement of the said Indians, are and of right ought to be utterly null and void, and the commissioners issuing the same be and are hereby ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican government. We solemnly declare that it is our sincere desire that the Cherokee Indians and their associate bands should remain our friends in peace and war, and if they do so we pledge the public faith to the support of the foregoing declaration. We solemnly declare that they are entitled to our commiseration and protection, as the first owners of the soil, as an unfortunate race of people, that we wish to hold as friends and treat with justice.[63]

On December 22, 1835, the Council, as we have seen, acting upon the recommendation of Governor Henry Smith, appointed Sam Houston, John Forbes, and John Cameron commissioners to treat with the Indians under the instructions to be drawn up by the governor, which was done on the 30th. The commissioners were to proceed to Nacogdoches as soon as possible and enter upon the discharge of their duties, in which they were in nowise to transcend the instructions of the Declaration of the Consultation. "You will in all things pursue a course of justice and equity towards the Indians," Governor Smith said,

and protect all honest claims of the Whites, agreeably to such Laws compacts or treaties, as the said Indians may have heretofore made with the Mexican Republic.

You will provide in said treaty with the Indians, that they shall never alienate their Lands, either separately or collectively, except to the Government of Texas, and to agree that the said Government, will at any time hereafter purchase all their claims at a fair and reasonable valuation. You will endeavor, if possible, to secure their effective co-operation at all times when it may be necessary to call the effective forces of Texas into the field and agreeing for their services in a body for a specific time. If found expedient and consistent, you are authorized and empowered to exchange other Lands

[63] *Journal of the Consultation*, 51-52.

within the limits of Texas not otherwise appropriated in the room of the Lands claimed by Said Indians and as soon as practicable, you will report your proceedings to the Governor and Council for their ratification and approval.[64]

On February 23, 1836, the commissioners entered into a treaty with the Cherokees. By this treaty the Indians were to receive title to the land they claimed, and which under the declaration of the Consultation was adjudged to be theirs. The rights of those who settled before the Cherokees were to be respected, but all who had been once removed and had later returned were to be considered intruders. All bands or tribes mentioned in the treaty were to be required to remove within the boundary fixed. The lands were not to be sold or alienated to anyone except the government of Texas, and the Cherokees agreed that no other tribes should be allowed to settle there. No individual Indian was permitted to sell land, and no Texan to buy from an Indian. The Indians were to be governed by their own laws. The government of Texas had power to regulate trade and intercourse between the Indians and others, but should levy no tax on the trade of the Indians. Property stolen from citizens or from the Indians was to be restored to the persons from whom stolen, and the offender or offenders were to be punished by the tribe to which he or they belonged.[65]

A ratification of this treaty would have resulted in the establishment of a separate Indian state with practical independence. It would have been a nation living within definitely fixed boundaries, under their own laws, punishing their own citizens for theft of horses from the whites, exempt from taxation by the Texan government, and under no more restriction than would be involved in a control over foreign affairs and the appointment by Texas of an agent to live among the Indians. The Convention which met in March, however, refused to ratify the treaty, though Houston and the Indians considered the government morally bound to do so.

Acting upon the theory that the declaration of the Consultation was sufficient authority for his action in drawing up the treaty with the Indians, Houston, while he was attempting to secure a ratification of the treaty by the Senate of the Republic after he became President, deliberately gave the Indians to understand that ratification was not necessary, and that they would get their lands.

[64]MS. *Indian Affairs*, 1831-1841. Texas State Library.
[65]*Secret Journals*, 35, 36, 37, 38.

Writing to Bowl on April 13, 1836, during the retreat from Gonzales, and after the refusal of the Convention to ratify the treaty, Houston said:

My friend Col Bowl.

I am busy, and will only say, how da do, to you! You will get your land as it was promised in our Treaty, and you, and all my Red brothers, may rest satisfied that I will always hold you by the hand, and look at you as Brothers and treat you as such!

You must give my best compliments to my sister, and tell her that I have not wore out the mockasins which she made me; and I hope to see her and you, and all my relations, before they are wore out. Our army are all well, and in good spirits. In a little fight the other day several of the Mexicans were killed, and none of our men hurt. There are not many of the enemy now in the Country, and one of our ships took one of the enemy's and took 300 Barrels of flour, 250 Kegs of powder, and much property—and sunk a big warship of the enemy, which had many Guns.[66]

The purpose of this letter was probably to keep the Indians quiet by promising them their lands under the treaty and by making it appear that the Mexicans were making only a slight effort to subdue the Texans. In December, however, when there was no danger of the return of the Mexicans, he sent a message to the Senate urging its ratification. "You will find upon examining this treaty," he said,

that it is just and equitable, and perhaps the best which could be made at the present time. It only secures to the said Indians the usufructuary right to the country included within the boundary described in the treaty, and does not part with the right of soil, which is in this Government; neither are the rights of any citizen of the Republic impaired by the views of the treaty, but are all carefully secured by the third article of the same. In considering this treaty, you will doubtless bear in mind the very great necessity of conciliating the different tribes of Indians who inhabit portions of country almost in the center of our settlements as well as those who extend along our frontier.[67]

The Senate took no action at that time; but at the next session appointed a committee to consider the treaty and the general Indian question, and this committee reported on October 12, 1837. It declared the opinion that the rights with which Indians might have been invested by the Mexican government previous to the

[66] *Lamar Papers*, No. 352.

[67] *Secret Journals*, 35.

declaration of independence should be respected, but was not able to find that any such right had been acquired. The premises assumed by the Consultation were false, and acknowledged rights based on false premises "are of no effect and void, which your committee conceive to be the case in this instance." The territory mentioned in the treaty formed part of the grant to David G. Burnet for the purpose of colonization, the colony was filled, or nearly so, prior to the declaration of the Consultation, and the committee was satisfied that the grant of the territory to Burnet for colonization many years after the settlement of the Indians on the soil, was sufficient evidence that no obligation was created which could be considered binding in favor of the Cherokees, or any other Indians. Finally, the committee reported the following resolution:

> Resolved by the Senate of the Republic of Texas that they disapprove and utterly refuse to ratify the Treaty or any artickles thereof concluded by Sam Houston and Jno. Forbes on the 23rd day of February, 1836, between the provisional Gov[ernmen]t of Texas of the one part, and the "Head Chiefs" Head men and warriors of the Cherokees on the other part. Inasmuch as that said treaty was based on premises that did not exist and that the operation of it would not only be detrimental to the interests of the Republic but would also be a violation of the vested right of many citizens, . . .
>
> Resolved that the President of this Republic be authorized and advised to appoint commissioners and furnish them with instructions such as he may deem most expedient to bring about friendly relations between the Comanches and this Republic; Provided that no fee simple right of soil be acknowledged by this Gov[ernmen]t in favor of those Indians.[68]

On December 16 a resolution was adopted declaring null and void the treaty with the Cherokees, and no further attempt was made by Houston to secure ratification.[69]

There was considerable unrest among the Indians in the East in the summer of 1838 at the time of the Cordova rebellion. There is an indication from the diary of Miracle referred to above that Bowl had foreknowledge of the plans of the Mexicans. He managed to hide his knowledge, however, and received assurances from Houston that the treaty was being observed by the Texans, and

[68] *Secret Journals*, 75-79.
[69] *Ibid.*, 100.

calling upon him to keep the treaty. Houston promised the immediate appointment of some one to run the boundary line between the white and Indian possessions, and on August 16, sent Bowl another letter promising that the white warriors would not hurt the Indians.[70] On August 18, after the dispersal of the rebels, Houston issued an order for mustering out the army, in which he urged the soldiers in falling back to respect the Indians and their property, avoiding injury to every species of property.[71]

The promises of Houston that the treaty would be observed and the boundary line run kept the Cherokees from taking active part with the Mexicans. Later, in the month of August, Rusk asked Bowl to influence the Shawnees, Kickapoos, Delawares, Kaosatis, and other friendly tribes to keep the peace. After the battle with the Kickapoos on October 16, Rusk complained to Bowl that a Cherokee had been found among the dead Kickapoos, which Bowl explained by saying he was a renegade Indian.[72]

In the latter part of the summer of 1838 Houston appointed Alexander Horton to run the line between the Indian territory and that of the whites. On account of the opposition of the whites, and the quarrels among Horton's men, nothing was accomplished before the end of Houston's administration. A letter from Bowl to Horton on October 27, is interesting and enlightening as regards the relations of the whites and Indians at that time. He wrote:[73]

Mr Horton Dear Sir I have accomplished my Desir in rasing my men for to guard and aid you while you are running the Line in so much I understand that some of the white people are against it which I am sorry to hear that, for we wish to do write ourselves, and we hoped that white people wanted to do the same as for your disputes among yourselves I have ordered my men to have nothing to do with it. My express orders is to my men is to guard you and your property from the enemy I hope that you will be particular with us in consequence of us not understanding your tongue and also we will pay that respect to you I hope you will let us know when you need us and where and I will be at your service I will detain Gayen till I get a line from you so as he may read our writing I have twenty-five volunteers to send to you so nothing more only your Friend Bole.

[70]Originals in *Lamar Papers*, Nos. 781, 782, 783, 784, 785, 786.
[71]*Ibid.*, 792.
[72]*Lamar Papers*, Nos. 801, 839.
[73]*Lamar Papers*, No. 855.

Early in December, just before his inauguration as President, Lamar received a long letter from Archibald Hotchkiss of Nacogdoches. It cannot be shown to have influenced Lamar in determining his course toward the Cherokees, but it was not calculated to change his belief that they had no real right to the soil which they occupied. After tracing in a general way the history of the Cherokees in Texas, Hotchkiss said:

In the year 1833 I became the agent of Burnet for the purpose of carrying out the terms set forth in his contract; to wit: to settle the land . . . a short time subsequent to my receiving this it became necessary for me to repair to the seat of Government for the purpose of transacting business for my [principal,] the principle object of which was to induce them to remove the Indians who had settled within [the bounds] of our grant, and by so doing had to a very great extent impeded the settling of the lands. [I received] assurances from the Government that they [would be removed] immediately; but that promise was not realized [on account] of the increased internal difficulties of the country.

In the early part of 1835 I entered into a correspondence with the Gov[ernmen]t of the State of Coahuila and Texas upon the subject of removing the Indians representing the extreme difficulty we had in obtaining colonists, who were willing to settle in the vicinity of such dangerous neighbors as the Cherokees had allways proved themselves to be in the United States; In answer to which the Governor informed me that he was very sensible of the difficulties under which I was laboring, but that the finances of the State were at such a state of exhaustion that it was extremely doubtful whether they would be able to do anything until the ensueing year, whereupon I offered upon behalf of my principals to advance the means necessary for removing if the Government would afford its countenance and authority for the undertaking, and the corresponding order was sent to the political chief of Nacogdoches for their removal forthwith sometime in the Spring of 1835 which order was never executed but suppressed at the instigation of designing men, the war of Independence which succeeded shortly after put an end to all further action upon this subject.[74] . . .

Lamar's message of December 21, 1838, with regard to the Indian, has been mentioned. Further notice at this point is necessary for an explanation of the attitude he assumed concerning the rights of the Cherokees to the lands they occupied. He said that the immigrant tribes had no legal or equitable claim to any portion of the territory of Texas; that their immigration to Texas

[74]Hotchkiss to Lamar, December 5, 1838, *Lamar Papers*, No. 905.

had been unsolicited and unauthorized, and had always been a source of regret to the more enlightened population; that the Federal Government of Mexico neither conceded nor promised them lands or civil rights; that they came as intruders, and were positively forbidden to make any permanent abidance, and had continued in the country up to that time against the public wish and at the sacrifice of public tranquility. The offer made to bordering tribes in the colonization law of Coahuila and Texas contained precedent conditions which had in no wise been carried out. The pledge of the Consultation and the treaty drawn up under it had never been ratified, and, if it had been, the Indians had violated it time and again.[75]

In the latter part of 1838 and early part of 1839 the Indians in the West were active, and the government made preparations to punish them. To keep the Indians in the East quiet, Lamar appointed Martin Lacy agent to the Cherokees, Shawnees, and other tribes. The special object of the appointment, said the instructions, was to cultivate and preserve the friendly relations existing between the frontier inhabitants of Texas and the "Cherokees, Shawnees, etc., which have emigrated from the United States to Texas, but whose claim to territory or even its occupancy has not yet been recognized, and is now a subject of grave deliberation on the part of the Texian Government." The Cherokees could not better evince their friendly intentions, he suggested, than by prohibiting intercourse with the hostile Indians.[76]

On March 10, 1839, the Texan minister in Washington informed the government of the United States that the President of Texas was determined to act with great energy towards those Indians of the East who had been consistently hostile, and suggested that the United States take steps to restrain their Indians from assisting the kindred tribes in Texas. Before entering on a general war, however, Bowl, chief of the Cherokees, was allowed to visit the various chiefs and attempt to bring about an adjustment of the differences with them. Bowl reported that there was a sincere

[75] *Lamar Papers*, No. 361; *Telegraph and Texas Register*, December 26, 1838.

[76] Lamar to Martin Lacy, February 14, 1839, *Indian Affairs, 1831-1841*, Texas State Library.

desire on the part of the Indians to resume peaceful relations with the Texans.[77]

This change in the attitude of the Indians was probably produced by the destruction of the party of Cordova, March 26, 1839. Cordova had been active in the rebellion at Nacogdoches in 1838, and was at the time of his defeat by Burleson probably on his way to Matamoras to get supplies for another outbreak similar to that of 1838. On March 26, 1839, he was discovered with a party of sixty or seventy Mexicans, Indians, and negroes, encamped at the foot of the Colorado Mountains. Colonel Burleson collected eighty men and started on his trail, overtaking him on the Guadalupe, where a battle was fought resulting in the defeat of the Cordova party with the loss of about thirty men. Cordova himself escaped, but this ended his efforts to stir up revolution in Texas.[78]

Albert Sidney Johnston, Secretary of War, writing to Bowl on April 10, referred to this action, and said that the recent developments went to show incontestably that the Cherokees, or a part of them, the Delawares, Shawnees, Kickapoos, Caddoes, Wacoes, "Tewankanees," Bedies, and Kechies, about the time he was with them had entered into a compact with Cordova to carry on the war as soon as he should return from Matamoras. The assertion that Cordova had been driven off when he attempted to agitate a revolt, he said, was probably to gain time and to conceal the object of the journey to Matamoras.

The President grants peace to them but is not deceived. They will be permitted to cultivate undisturbed as long as they manifest by their forbearance from all aggressive acts and their friendly conduct the sincerity of their professions or until Congress shall adopt such measures in reference to them as in their wisdom they may deem proper. With a clear view of all matters connected with their feeling and interests It should not surprise the Cherokees to learn that such measures are in progress under the orders of the President as will render abortive any attempt to again disturb the quiet of the frontier nor need it be any cause of alarm to those who intend to act in good faith. All intercourse between the friendly indians & those at war with Texas must cease. The President directs that you will cause the contents of this communication to be made known to all the chiefs who were present at the council.[79]

[77]Thirty-second Cong., 2nd. sess., *Senate Documents*, No. 14, p. 20. A. S. Johnston to Bowl, April 10, 1839, *Lamar Papers*, No. 1188.

[78]Yoakum, *History of Texas*, II, 261.

[79]A. S. Johnston to Bowl, April 10, 1839, *Lamar Papers*, No. 1188.

Some time in April or early in May Major B. C. Waters was ordered to construct a military station on the Great Saline, which was in territory claimed by the Cherokees. Bowl mobilized his warriors and ordered Waters to leave, which he did, since he was not supported by a military force of his own large enough to resist the Indians. This naturally aroused the whites, particularly of the East. The San Augustine *Red Lander* called on the citizens to respond to the call of Major Waters for aid in carrying out the orders of the Secretary of War.[80] The *Telegraph and Texas Register* stated that there were constant complaints of Indian aggressions; that the Cherokees had been a source of trouble since 1836, and that they could not be tolerated longer in Texas.[81]

The action of Bowl called forth a stern letter from Lamar. He had learned with surprise, he said, that Bowl had compelled Major Waters to leave his post on the Great Saline. That officer was acting under the authority and orders of the government, and any attempt to interfere with him or to impede the execution of his duty could be regarded in no other light than as an outrage upon the sovereignty of Texas. "You assume to be acting under a Treaty negotiated at your village on the twenty-third day of February 1836 with commissioners appointed by the Provisional Government of Texas." No doubt there were those who would impress him with the belief that by virtue of that treaty the Cherokees had a right to maintain within the limits of the Republic an independent government bearing no responsibility to the whites as though they were a foreign nation. But the Texans had acquired their sovereignty by many rightful and glorious achievements, and would exercise it without division or community with other people. The Indians could never be permitted to exercise a sovereignty which would conflict with the rights of the Texans. He charged that Bowl was at the center of all conspiracies, and concluded with this ultimatum:

> I therefore feel it my duty as the Chief Magistrate of this Republic to tell you in plain language of sincerity, that the Cherokees will never be permitted to establish a permanent and independent jurisdiction in the limits of this government—that the political and fee simple claims which they set up to our territory now occupied by them will never be allowed—and that they are permitted

[80] Quoted in *Telegraph and Texas Register*, June 19, 1839.
[81] *Telegraph and Texas Register*, June 19, 1839.

at present to remain where they are only because this government is looking forward to the time when some peaceable arrangement can be made for their removal without the necessity of shedding blood; but that their final removal is contemplated is certain and that it will be effected is equally so. Whether it will be done by friendly negotiating, or by the violence of war, must depend on the Cherokes themselves.[82]

Shortly before this, May 14, 1839, Manuel Flores, who had been active the year before in the Cordova rebellion, with a party of twenty-five marauders committed some murders between Seguin and Bexar. They were pursued by several Texans under Lieutenant James O. Rice, and were overtaken on the San Gabriel fifteen miles from Austin. In the battle which followed Flores and two others were killed and the others put to flight. On the body of Flores were found papers which convinced Lamar and his cabinet that the Cherokees were again in treasonable correspondence with the Mexicans. These documents were sent to the Secretary of War by Colonel Burleson on May 22, reaching him about the time of Lamar's letter to Bowl.[83]

These papers consisted of letters addressed to Manuel Flores, Vicente Cordova, and to the friendly tribes of Texas, by the commandant general for the Eastern Interior States, Canalizo, who had succeeded Filisola. The letter to Flores, February 27, 1839, stated that it was impossible for the Federal Government to take any steps for the recovery of Texas on account of the war with France. It was possible, however, he said, that the Indians and loyal Mexicans could defend their homes by joining together against the Americans. They ought not to depend on flying invasions, but on operations of a more continuous character, causing perpetual alarm and inquietude to the enemy. To obtain these objects it was necessary "to burn their habitations, to lay waste their fields, and to prevent them from assembling in great numbers, by rapid and well-concerted movements, so as to draw their attention in every direction, and not offer to them any determinate object at which to strike."

Another letter was addressed by Canalizo to the chiefs of the tribes. As it was the principal basis for the claim that the Chero-

[82]Lamar to Bowl, May 26, 1839, *Indian Affairs, 1831-1841*, Texas State Library.

[83]Yoakum, *History of Texas*, II, 259.

kees and other tribes were plotting with the Mexicans for the extermination of the whites, it is given in full:

Don Manuel Flores, and the chiefs of the friendly tribes accompanying him, will make known to you my sentiments towards yourself and my friends, the Indians of your tribe; and also what you have to expect as regards your remaining in quiet possession of the land selected by you within the Mexican territory for settlement. And these individuals are informed in relation to what has to be done.

Have an understanding with said Flores in order that you may act in such a manner as to be secured in the peaceable possession of your lands, and to prevent any adventurer again destroying the repose of your families, or again treading the soil where repose the bones of your forefathers, and be careful not to deviate from his instructions.

Act under the full assurance of our generosity, of which we have given so many proofs, and that nothing can be expected of the greedy adventurers for land, who wish to deprive you even of the sun which warms and vivifies you, and who will not cease to envy you while the grass grows and the water flows.[84]

This letter was addressed to Captain Ignacio of the Guapanagues; Captain Coloxe of the Caddoes; The Chief of the Seminoles; Big Mush, civil chief of the Cherokees; Captain Benito of the Kickapoos; Fama Sargento de los Brazos; Lieutenant-Colonel Bowl of the Cherokees.

On receipt of these papers Lamar decided to arrange for the immediate removal of the Cherokees from Texas, and sent the Vice-President, David G. Burnet, and the Secretary of War, A. S. Johnston, to negotiate with them. The commissioners were to offer to buy their produce and pay for their removal to the United States. At the same time he announced in a letter to the Shawnees the intention to expel the Cherokees, in a friendly manner if possible, but by force if they resisted, and warned the Shawnees to have nothing to do with the Cherokees or the Mexicans.[85]

The commissioners reached the Cherokee village about the first of July and entered into negotiations with Bowl and Big Mush. Bowl acknowledged that they were intruders and had no legal

[84]This correspondence was sent by the Texas State Department to the Texan minister at Washington, and presented by him to the American Secretary of State, June 29, 1839. It is published in 32 Congress, 2d session, *Senate Document*, No. 14, pp. 29-35.

[85]Lamar to Linnee and other chiefs and headmen of the Shawnees, June 3, 1839, *Lamar Papers*, No. 1321.

rights to the soil they occupied. He agreed to return to Arkansas in return for payment for their improvements and transportation, but he delayed on one pretext after another putting his agreement in the form of a treaty, using the delay, it was supposed, to get his forces together preparatory to resist the Texans. Even up to the morning of July 15, Bowl assured Adjutant General McLeod that he was willing to abide by his agreement, but again asked for delay in signing the treaty. The Texan forces had assembled by that time, and wearying of the procrastination of the Cherokee chief, orders were given for the battle.

The council-ground was about five miles below the Indian camp. When the Texans arrived at the camp they found that the Indians had mobilized seven miles above. When the Texans approached their rendezvous they were fired on by the Indians, upon which the Texans attacked and drove the Indians from their position, killing a number. The next day they followed their retreating enemies, and in another battle completely defeated them, killing almost a hundred, among the dead being Bowl. The Indians continued their flight, pursued by the Texans, until the 25th, when the pursuit was given up. The main body of Cherokees reached their friends in Arkansas, and save for occasional marauding parties the Texans were free of them as neighbors permanently.[86]

The Shawnees, to whom Lamar had sent a warning on June 3, decided to accept the offer of the Texan government to pay their transportation and to pay for all improvements, consequently the commissioners were able to sign a treaty with them, and they left peaceably for the United States.[87] The Coshattoes and Alabamas, who had accepted the proposal of the Congress of Coahuila and Texas in 1835, were removed to other lands in the Republic.

In his message to Congress on November 12, 1839, Lamar reviewed the whole Cherokee question up to their removal from Texas. He gave as his reasons for expelling them from Texas: (1) that they were immigrant tribes, asserting political rights; (2) that they were a most enlightened and most wily foe, and through their superior intelligence were able to control the wild Indians; (3) that they had committed atrocities on the inhabitants of Texas;

[86]Report to Secretary of War, *Telegraph and Texas Register*, July 24 and August 14, 1839; Yoakum, *History of Texas*, II, 270.

[87]*Indian Affairs, 1831-1841*, Texas State Library. Lamar's message to Congress, November 12, 1839, *Telegraph and Texas Register*, November 27, 1839.

and (4) that they had been in collusion with the Mexicans. He reviewed the efforts of commissioners to secure their friendly removal by agreeing to pay for the transportation of the women and children and for all improvements, but said that in the face of these offers they flew to arms. And finally he expressed it as his opinion that the proper course to pursue with all the barbarian race was expulsion or extermination.[88]

The expulsion of the Cherokees was naturally not accomplished without serious criticism of Lamar, and an earnest defense by his contemporaries; and some historians have seen fit to claim that the action of Lamar was unjustified. It is perhaps not worth while to enter into the discussion of this question. The history of Texas in relation to the Indians is too similar to that of Georgia and other American States to require justification here. Lamar's instincts and training naturally led him to sympathize with the settlers as against the Indians. He was secretary to Governor Troup of Georgia while that State was attempting to extend her jurisdiction over the territory of the Creeks in response to a demand of the would-be settlers. And it may have been that he was too ready to listen to tales of conspiracies between the Mexicans and Indians. But sufficient evidence has been presented to prove that the Cherokees did not have any vested rights in the soil they occupied. The Mexican government might have been culpable for promising lands and then not giving them, but the Indians certainly understood that they had not secured title to the lands. The government of the Republic might have been culpable for using the promise of lands in return for a guarantee of neutrality during the War of Independence, but again the Indians knew that they had not secured title to the lands under the Republic.

The charge that the Cherokees were engaged in a conspiracy with the Mexicans is not important in this connection. The important question is as to whether or not sufficient evidence was presented to Lamar to justify his believing that they were so engaged. And this seems to be answered in the affirmative. The papers taken from the body of Miracle had shown him in consultation with Bowl before the Cordova rebellion in 1838, and Bowl must have known beforehand of the proposed rebellion. The papers addressed by Canalizo to the Indian chiefs, including Bowl and Big Mush, while not proving any connection of the Cherokees with the

[88] *Telegraph and Texas Register*, November 27, 1839.

proposed war, could be taken by Lamar in the light of the earlier documents as at least indicating some connection, especially as they came at a time when Bowl was ordering the military agent of the government out of his territory and mobilizing his warriors to prevent the building of a fort.

The whole problem comes back to whether or not the Indians should have been permitted to establish in Texas a government of their own, independent of the Texan government. A ratification of the treaty drawn up on February 23, 1836, under the Provisional Government would have guaranteed the perpetuation of such a government. It was inevitable that the whites should encroach on the Indians, and it was unlikely that a white population would have tolerated an independent Indian state within their borders. Lamar, therefore, acted legally and justly, and what is perhaps more important, logically, in forcing the withdrawal of the Cherokee Indians from Texas.

This story ends with the passage on February 1, 1840, of an act for sectionizing and selling the lands which had been occupied by the Cherokees.[89] The act made no provision for the settlers who had come into the territory since 1822, and because of this and the desire of many to locate claims in that region, there was bitter opposition to the passage of the bill. Houston, who was now a member of Congress, led the advocates of the bill, while the opposition was led by David S. Kaufman, Speaker of the House. The advocates of the measure claimed that the Cherokee lands did not come under the general land act, as they had been won from the Indians only in the preceding July, and that they actually belonged to the government for disposal as it saw fit. The opponents of the measure claimed that the lands had always belonged to the Republic, hence they should come under the terms of the general land act and be disposed of as other lands of the Republic. The argument that the sale of the lands would bring much needed revenue into the treasury overcame the objections of many who held that the Indians had no legal right to the land or of occupancy, and the measure became a law.

[89]Gammel, *Laws of Texas*, II, 358.

Chapter V

THE SANTA FE EXPEDITION

Perhaps of all the things undertaken or accomplished by Lamar, the project of sending a mercantile expedition to Santa Fé accompanied by a military aid has caused most adverse criticism. Most historians have followed contemporaries, particularly Houston, and near contemporaries, as Yoakum, and are content to refer to Lamar's scheme as visionary. As it was one of the policies that gripped him throughout his whole administration, and as its failure has led to so much criticism, a full examination of his purposes in sending such an expedition, and the obstacles confronted by those who undertook it, is necessary.

It should be understood, in the beginning, that Texas claimed, whether rightly or wrongly, all the territory to the east of the Rio Grande, and Santa Fé was about twelve miles east of that river in New Mexico. Shortly after the constitutional government was established in October, 1836, Stephen F. Austin, Texan Secretary of State, in his instructions to William H. Wharton, the envoy to the United States, said that as regarded boundary, the question could not be settled at that time, but that Wharton might explain to the Government of the United States that Texas claimed possession to the Rio Grande. He traced the boundary as follows: Beginning at the mouth of said river on the Gulf of Mexico, thence up the middle of the river, following its main channel, including the islands, to its most northerly source, then in a straight line to the United States boundary, and along that boundary to the starting point.[1]

The First Congress took early action in proclaiming the boundaries of the new republic, and on December 19, 1836, the President approved an act providing that the civil and political jurisdiction of Texas should extend to include the boundaries as Austin had outlined them to Wharton. At the same time the President was directed to open negotiations with the United States to ascertain and determine the boundary between those two coun-

[1]Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 132. American Historical Association *Report*, 1907, II.

tries.[2] And from that time on the Rio Grande to its source was officially considered as the western boundary of Texas.

Just when Lamar conceived the idea of establishing the authority of Texas over the territory included in this claim, it is not possible to say; nor can we determine positively what motive chiefly influenced him in adopting the policy which he ultimately carried out. It is likely that he began his administration as President with some idea of taking possession of the Santa Fé country, though it was not until the last year of his administration that he was able actually to undertake the measure. There is no doubt that he desired to establish control, partly because he was convinced that the people of New Mexico desired to live under Texan sovereignty, and partly because he wished to create a nation reaching ultimately to the Pacific; but chiefly because he understood the commercial benefits that would accrue to Texas through a diversion of the trade between St. Louis and Santa Fé to the ports of Texas.

The importance of this trade to Texas was early recognized. On August 27, 1829, Stephen F. Austin wrote to Henry Austin, stating that he contemplated opening a road to El Paso and to Santa Fé with a view to diverting the Missouri trade to Galveston.[3] Later, in 1835, Austin recommended to the Mexican government that two companies of riflemen be stationed on the Colorado and Brazos rivers for the purpose of defense and for opening a road to Chihuahua.[4] One cannot say whether these suggestions influenced Lamar, but he was acquainted with them, and, as will appear, he adopted a policy in keeping with the ideas of Austin.

At the same time that the commerce with Santa Fé was becoming attractive to the Texans, it seemed that the people of New Mexico were about to throw off their yoke of allegiance to the Mexican government, and there was reason to suppose that Texan rule would not be objectionable. In 1835, when a strong central government was established in Mexico, resulting in the secession of Texas from the Mexican government, Colonel Albino Perez was sent to take charge of the province of New Mexico. The people up to that time had been ruled by native governors and resented

[2]Gammel, *Laws of Texas*, I, 1193-1194.

[3]*Austin Papers*, file of July, 1836. University of Texas.

[4]Stephen F. Austin to James F. Perry, March 4, 1835, in *ibid.*

the appointment of a stranger as governor. The new governor introduced a system of direct taxation which proved unsatisfactory, but the populace took no active steps in opposition until a native *alcalde* was imprisoned by the *Prefecto* of the northern district. The *alcalde* was released by a mob, upon which the governor called out the militia to put down the mob. It developed that the militia were in sympathy with the mob, however, and, only a few adhering to the governor, he was easily taken by the mob and put to death. The mob proceeded to elect a governor of their own, and managed to hold out as an independent government until put down by Armijo in January, 1838.[5]

The Texan authorities knew of the rebellion, but they were not aware that it had been put down. On January 5, 1838, the secretary of state wrote the Texan minister in London, as follows:

> The Californias continue independent of Mexico, and recently a rebellion in Santa Fé resulted in the death of the Governor and a number of the principal officers of the Government, and the appointment on the part of the revolutionists, of commissioners to apply to the U. States for admission; not knowing, I suppose, that they are included within the limits claimed by Texas.[6]

Shortly after the inauguration of Lamar an act was passed for the creation of a regiment of regular soldiers for warfare against the Indians.[7] Colonel Edward Burleson, with a full staff of subordinate officers, was stationed at Bastrop, an outlying settlement on the Colorado. On January 14, 1839, an act was passed for the permanent location of the seat of government, and this location was to be limited to some point between the Trinity and the Colorado, north of the San Antonio Road.[8] The connection between these two acts will appear presently.

Among the officers under the above act, William Jefferson Jones was appointed as a lieutenant. He had taken part in the campaigns against the Indians in the East in the summer of 1838. He was in Houston in December, 1838, or January, 1839, and it appears that he was the first to outline a program for taking

[5]Josiah Gregg, *Commerce of the Prairies*, I, 130-136.

[6]Garrison, *Dip. Cor. Tex.*, III, 838. The secretary of state was wrong in saying that application for annexation to the United States was considered.

[7]Gammel, *Laws of Texas*, II, 15.

[8]*Ibid.*, II, 163.

possession of the Santa Fé country. He had a conversation with Lamar on the subject, but whether he initiated the proposal, there is no present way of knowing. The only record of the conversation is contained in a letter from Jones to Lamar a short time later, and this would indicate that the originator of the scheme was Jones. It is necessary to quote at length from this letter in order to make clear the connection of Jones with the enterprise.

Genl M. B. Lamar. Bastrop Feby 8th, 1839,
My dear Sir,

In a letter, which I addressed to the Secretary at War a few days since relative to the contemplated expedition against the Comanches, I took occasion to refer to the importance of the Santa Fe trade and of the facilities of diverting it to the Colorado Valley, the natural outlet for all commerce of the North Western Territory of Texas, at this moment the most productive portion of it. The lowest estimate of the trade of what was formerly New Mexico has been placed at $20,000,000 (millions), consisting of gold & silver and the rich furs of the mountains, which now pass out by the Red River valley and the Rio Grande, building up the towns of St. Louis and Matamoras. . . .

Whilst in the City of Houston and at the time of my appointment to the Regiment against the Comanches, I suggested to you the importance of a politico-military mission to Santa Fe with a view to the introduction of the trade of New Mexico thro' the natural outlet within the limits of this Republic.

. . . I have every reason to believe the seat of government will be located on the Colorado between this place and the mountains, probably at their foot and I have no doubt, the selection will be the most judicious which can be made within the limits assigned the Commissioners by the law. In that event the Capital of the Nation may command the entire trade of New Mexico. . . . With a view to the immediate diversion of this trade to the Colorado I would suggest the early establishment of a trading house at the highest point on the river known to be navigable, say at the junction of the Pasigona & Colorado, with a small force to protect it. [He went so far as to suggest conciliation with the Prairie Indians, who were the most troublesome of the Indian neighbors, and continued,]

As the government of Texas claims to extend its territory to the utmost limits of Santa Fe, it is desirable that the people should be brought under our direct political control. The great distance of Santa Fe from the government of Mexico has left that territory entirely dependent upon itself for protection, and the people only feel the authority of the political power thro the

weight of taxation imposed by the central head. They are prepared to unite with us, and this is the favorable moment to cement the friendship they have offered. The revolutionary spirit is warm in New Mexico, and the people are determined to throw off the despotic yoke of the present government. We should at once demonstrate our sympathies with them.

I hope, if possibly in your power, that you will order an immediate military escort for a company of traders to Santa Fe, and that a portion if not the entire adventure may be undertaken by the government itself. Immense profits must result from it, and the introduction of 75 or 100 thousand dollars of specie from Santa Fe thro' the Colorado Valley will give confidence to individual enterprize and the route will soon be lined with traders able to protect themselves, who will introduce the riches of New Mexico into the lap of Texas. . . .[9]

It is a striking fact that the five commissioners charged with the location of the permanent seat of government came to the conclusion anticipated by Jones. I have found no direct connection between Jones and the commissioners, but it is unlikely that the harmony of his ideas with the report of the commissioners was accidental. Unfortunately there is no record of the instructions given to the commissioners by Lamar other than the statement of his secretary referred to above; hence, it is not possible to indicate how far the desirability of the point selected as a way station between Santa Fé and points on the Gulf was a part of the instructions. The commissioners left while Jones was in Houston, or shortly after, and there seems no doubt that there was a general understanding among the commissioners and the President that a location was to be selected favorable to the proposed occupation of New Mexico. The report of the commissioners, among other things, stated:

The Commissioners confidently anticipate the time when a great thoroughfare shall be established from Santa Fe to our Sea ports, and another from Red River to Matamoras, which two routs must almost of necessity intersect each other at this point. They look forward to the time when this city shall be the emporium of not

[9]W. J. Jones to Lamar, February 8, 1839, *Lamar Papers*, No. 1049. This letter is endorsed by Lamar, "Thos J Jones Bastrop 8th Feby 1839. Upon Santa Fee trade &c Received 20th Feby." This indicates a strange lack of knowledge of Jones' real name. The letter was autographed, "Wm. Jefferson Jones." but the first abbreviation is difficult of interpretation. Certainly Jones must have been little known by Lamar previous to this, though he became better known later.

only the productions of the rich soil of the San Saba, Puertenalis Hono and Pecan Bayo, but of all the Colorado and Brassos, as also the Produce of the rich mining country known to exist on those streams. They are satisfied that a truly National City could at no other point within the limits assigned them be reared up, not that no other sections of the Country are not equally fertile, but that no other combined so many and such varied advantages and beauties as the one in question. The imagination of even the romantic will not be disappointed on viewing the Valley of the Colorado, and the fertile and gracefully undulating woodlands and luxuriant Prairies at a distance from it. The most sceptical will not doubt its healthiness, and the citizens bosom must swell with honest pride when standing in the Portico of the Capitol of his Country he looks abroad upon a region worthy only of being the home of the brave and free. Standing on the juncture of the routs of Santa Fe and the Sea Coast, of Red River and Matamoras, looking with the same glance upon the green romantic Mountains, and the fertile and widely extended plains of his country, can a feeling of Nationality fail to arise in his bosom or could the fire of patriotism lie dormant under such circumstances.[10]

For a while Lamar seriously considered the sending of an immediate military expedition to Santa Fé. This would have been justified on the grounds that Texas was still technically at war with Mexico, though no actual hostilities had occurred since the Mexican defeat at San Jacinto. In March, 1839, he addressed the Harrisburg Volunteers on the defence of the frontier, and congratulated them on their prospects for "honorable station in the select Regiment which is to be placed under the command of Colonel Karnes in the anticipated expedition to Santa Fee."[11] Letters from correspondents also indicate that there was some activity looking toward such an expedition.[12] Lamar was unwilling, however, to adopt the suggestion of Jones that the Prairie Indians be conciliated, especially since he had repeatedly expressed himself as favoring their extermination or expulsion from the republic. And the warfare begun early in his administration continued until the close of 1840, leaving little opportunity to divert any of the forces for an expedition to Santa Fé.

[10]Report of Seat of Government Commissioners, April 13, 1839, *MS. Seat of Government Papers*, Texas State Library.

[11]*Lamar Papers*, No. 1162.

[12]J. S. Jones to Lamar, April 14, 1839, *Lamar Papers*, No. 1198; W. J. Jones to Lamar, April 15, 1839, *Ibid.*, No. 1199.

It will be noticed that the letter of Jones mentioned a previous letter to the secretary of war on the subject of the Santa Fé trade, and the importance of securing it for Texas. It is interesting to notice that the secretary of war in his report, September 30, 1839, mentioned the fact that the government was constructing a military road from Red River to the presidio crossing of the Nueces river, and proposed the construction of a similar road from Austin to Santa Fé. He said that Santa Fé was situated about twelve miles east of the upper Rio Grande, and was included within the statutory limits of Texas. It was settled entirely by Mexicans, and never having been conquered by Texas was still under the Mexican government. The country between Austin and Santa Fé, he said, was wholly unoccupied save by roaming bodies of Indians. For many years the traders of the United States had carried on a successful commerce with Santa Fé, of the annual value of four or five million dollars. Santa Fé was not the consumer of all the goods, but was rather the depot for trade with the interior of Mexico. He thought that the trade might be diverted to Texas if a military road were constructed, since the distance from Santa Fé to Texas ports was much less than to St. Louis; and Texas would be the recipient of the vast profits realized. He suggested, also, that a military road would serve to conciliate the western part of the Texan territory, and the two sections would be bound closely together.[13]

Lamar, in his message to Congress, November 12, 1839, referred to this subject, and discussed the importance of the Santa Fé trade without recommending any action by Congress at that time.[14]

Lamar was intensely interested in extending the trade of the republic. In his inaugural address in December, 1838, he had expressed himself in favor of free trade; and in the instructions to the various ministers sent to Europe, he always suggested the policy of offering favorable commercial privileges in return for recognition of independence. In February, 1839, he issued a proclamation, after Congress had passed an act to that effect, opening trade between the western settlements of Texas and the Mexicans

[13]Yoakum, *History of Texas*, II, 313.
[14]*Lamar Papers*, No. 1529.

on the Rio Grande.[15] This action was a result of the revolt of Canales against the centralists, and did not carry any recognition of Mexican rights to the east of the Rio Grande.

A considerable trade had developed between Santa Fé and St. Louis on one side, and between Santa Fé and Matamoras on the other. This had its beginning after the expedition of Pike, though it was not until 1821 or 1822 that any appreciable success attended the efforts of merchants to open trade—at the time that Stephen F. Austin left Missouri with his colonists and settled in Texas. In 1833 and 1834 the government of the United States found it necessary to give military aid to the expeditions on account of the hostility of the Indians.[16] In 1839 an effort was made to open direct trade between Van Buren, Arkansas, and Chihuahua, Mexico, an account of which appeared in the *Telegraph and Texas Register* on July 17, 1839, probably stimulating the interest of the government and people of Texas in trade with Mexico.

During the fall and winter of 1839-1840, the possibility and desirability of getting control of the Santa Fé trade was under discussion by the people and newspapers. The editor of *The Sentinel,* published at Austin, said that he had frequently been asked as to the feasibility of establishing direct communication with Santa Fé. He estimated that the distance from Austin to Santa Fé was about four hundred and fifty miles. The road, he said, was through a rich, rolling, well-watered country. The distance from Austin to the old San Saba fort was estimated at one hundred and twenty-five miles, and the writer said that the old Spanish road could be followed from Gonzales to that place. The Santa Fé road, it was stated, passed through a beautiful country at the headwaters of the Red River, where there was good grazing. A small force would be sufficient, as there were no enemies except the Comanches, and fifty well-armed men would suffice for protection against them. Finally, the Texan traders would have every advantage over those from St. Louis.[17]

About the time this was published, and just before it appeared in the *Telegraph and Texas Register,* William G. Dryden, who

[15] *Lamar Papers,* No. 1079.
[16] Gregg, *Commerce of the Prairies,* I, 24, 31.
[17] *Telegraph and Texas Register,* April 8, 1840.

had spent a number of years in Santa Fé appeared in Texas. He was sent on April 1, 1840, to Lamar with a letter of introduction by William H. Jack of Brazoria.[18] Jack introduced him as a former officer in the Mexican service who was well acquainted in Santa Fé, Dryden's report of the conditions in Santa Fé must have been favorable, as we find Lamar issuing an address to "The Citizens of Santa Fee" two weeks later.

In this letter, which was probably carried to Santa Fé by Dryden, he saluted the citzens of Santa Fé as "Friends and Compatriots." He referred to the revolution which had emancipated Texas from the "thralldom of Mexican domination." The revolution was forced upon them by circumstances too imperative to be resisted. The Anglo-American population of Texas had left the comforts and the enlightened liberty of their own country, and had migrated to Texas under the guarantee of the Constitution of 1824. They had witnessed many civil wars, and had hoped that calamities would harmonize the government, and teach the authorities of Mexico that frequent political changes and domestic discords were destructive of the prosperity and character of a people. Texas had resolved to be free, when a military despotism arose with the forcible abrogation of the Constitution of 1824. Impelled by the highest considerations, which a benignant providence had sanctified by conferring an unexampled prosperity upon them, they had asserted and achieved their independence, and had entered the great family of nations. They had been recognized by "the illustrious Government of the United States, and by the ancient Monarchy of France," and other powers of Europe were ready to extend the right hand of fellowship. Their natural resources were in rapid progress of development; the population was increasing by numerous accessions from Europe and the United States, and their commerce was extending with a power and celerity seldom equalled in the history of nations.

All this was introductory to what follows. "Under these auspicous circumstances," he said,

> we tender to you, a full participation in all our blessings. The great River of the North, which you inhabit, is the natural and convenient boundary of our territory, and we shall take great pleasure in hailing you as fellow-citizens, members of our Young

[18]Jack to Lamar, April 1, 1840, *Lamar Papers*, No. 1757.

Republic, and co-aspirants with us for all the glory of establishing a new and happy and free Nation. Our constitution is as liberal as a rational and enlightened regard to human infirmities will safely permit. It confers equal political privileges on all; tolerates all Religions without distinction, and guarantees an even uniform and impartial administration of the laws.

He hoped the communication would be received by them and the public authorities in the same spirit in which it was dictated. And then he announced that if nothing intervened to change his resolution, he would despatch in time to arrive "in your section of Country about the ninth of September proxima, one or more commissioners, gentlemen of worth and confidence to explain more minutely the condition of our country, of the seaboard and the co-relative interests which so emphatically recommend and ought perpetually to cement the perfect union and identity of Santa Fee and Texas." The commissioners were to be accompanied by a military escort for the purpose of repelling any hostile Indians that might infest the passage, and with the further view of ascertaining the opening of a safe and convenient route of communication between the two sections of country, "which being strongly assimilated in interest, we hope to see united in friendship and consolidated under a common Government." Until the arrival of those commissioners he was appointing some of their own citizens, William G. Dryden, John Rowland, and William Workman, to whom the views of the Texan government had been communicated, to confer with them upon the subject matter of the communication.[19]

In spite of this assurance, no action was taken to carry out the purposes expressed in the letter. For the whole of the summer and until October, all the Texan forces were engaged in warfare with the Comanches. Besides, a total lack of funds prevented the carrying out of the policy of Lamar at that time. Under these circumstances, he appealed to Congress, which met in November, to supply the funds and take the necessary steps to bring Santa Fé under the political and commercial control of Texas.

The Congress had been elected on an issue of retrenchment, and was by no means warm to the plans of Lamar from the beginning. Besides, Sam Houston had succeeded in making himself a leader

[19]Lamar to the Citizens of Santa Fé, April 14, 1840, *Lamar Papers*, 1773.

of the anti-administration forces in Congress, and, as will be seen, was able to defeat appropriations for the project.

On November 9, 1840, Representative Usher, a friend of the administration, introduced a resolution requesting the committee on the state of the republic to take into consideration the propriety and expediency of passing a law with the view to inform the inhabitants of Santa Fé of their privileges as citizens of the republic of Texas.[20] On the same day Representative Miller of Austin, a friend of Houston's, introduced a resolution instructing the committee on finance to inquire into the expediency of laying off and setting apart so much of the public domain intermediate and equidistant between Austin and Santa Fé, as might be adapted to the establishment of a colony of actual settlers, with a view to opening, facilitating, and securing the trade of Santa Fé.[21] Out of this second resolution grew the notorious "Franco-Texienne" bill, which was ardently supported by the French minister, Saligny, and the opponents of the administration, led by Sam Houston. As this was an alternative measure to the policy of the administration, a somewhat full examination is necessary.

This bill proposed to create a corporation headed by two Frenchmen, Jean Pierre Hippolyte Basterreche, and Pierre Francois de Hassauex, which contracted to introduce within the republic eight thousand families by January 1, 1849. For this purpose three million acres of land were granted to the corporation, on the condition that all the terms of the contract were carried out. The land was to be divided as follows: 512,000 acres fronting one hundred miles on the Rio Grande, above the Presidio road, and eight miles in depth; 192,000 acres on the Nueces, above the Presidio road, on both sides of the river, six miles in width and twenty-one in length; 194,000 acres on the Rio Frio; 128,000 acres extending from the Arroyo Seco to the Arroyo Uvalde; 128,000 acres on the Guadalupe above the mouth of Sabine Creek; 1,000,000 acres, in three tracts between the Colorado and San Saba; 192,000 acres from the Colorado to the Pasegona river, three miles and one hundred miles along the old Santa Fé road; 294,000 acres on Red River, next above the Cross Timbers, fronting forty-six miles and two miles in depth; 50,000 acres at the head of the Nueces;

[20] 5 Tex. Cong., 1 Sess., *House Journal*, 45.
[21] *Ibid.*, 43.

50,000 acres at the head of the Colorado; 50,000 acres on the Aguila river; 50,000 acres near the source of the Little river; 50,000 acres on the Brazos, thirty miles above the Palo Pinto creek; 50,000 acres on the Noland river, fifty miles above its mouth; 50,000 acres in the forks of the Trinity, west of the Cross Timbers. The company was also to maintain a line of military posts from a point thirty miles above the town of Presidio, and extending to the Red River, at some point near the Cross Timbers. This line was to consist of twenty posts, which were to be maintained for a period of twenty years. They were also to keep up lines of communication between the posts, and were to appoint a sufficient number of geologists, mineralogists, and botanists to explore the whole country and report on all mines found. They were to open and work all mines found, and give fifty per cent of the proceeds to the Republic of Texas.

Practical autonomy was granted to the colonists by the provision that they might make by-laws not in violation of the Texas Constitution. Another attractive feature from the standpoint of the colonists was that the lands were to be exempt from taxation until January 1, 1845.[22]

This remarkable bill actually passed the House of Representatives, and came near to passing the Senate. It is likely that it would have passed the upper House except for the opposition of Lamar.[23] The defeat of this bill aroused the bitter opposition of Saligny to the Government, and unfortunately, he was abetted by the opponents of the administration in denouncing those who voted against the bill.

President Lamar had been in poor health during a good part of his administration, and on December 12, he had become so ill that he found it necessary to apply to Congress for a leave of absence so that he could go to New Orleans for treatment. He did not return to his duties until February, 1841, after Congress adjourned. In his absence, however, the Senate passed the administration bill providing for the opening of communications with Santa Fé.[24] This bill was received by the House on January 15, whereupon Representative Murchison introduced a substitute bill

[22] *Austin City Gazette*, July 21, 1841; Brown, *History of Texas*, II, 187.

[23] See Mayfield to Saligny, March 29, 1841, and Mayfield to McIntosh, May 12, 1841, Garrison, *Dip. Cor. Tex.*, III, 1315; 1326.

[24] 5 Tex. Cong. 1 Sess., *House Journal*, 509.

authorizing the President to raise volunteers to make an expedition to Santa Fé. This principle was accepted by the committee on the state of the republic, and five days later was reported to the House as a substitute for the Senate measure. On January 26 the House defeated the Senate bill by a vote of sixteen to nineteen, and passed the substitute measure by a majority of two, Houston working against both bills.[25] The Senate failed to agree to the substitute measure, and the session came to a close without legislative approval of the expedition to Santa Fé, but apparently the principle was accepted by both Houses, and they were only unable to agree to the particular method to be used in carrying out the project.

Lamar returned to the Capital in February, 1841, and immediately began preparations to despatch an expedition to Santa Fé in spite of the failure of Congress to make provision for it. He issued a long proclamation to the people of Santa Fé, calling upon them peacefully to accept Texan rule, and guaranteeing them the privileges mentioned in his letter of April, 1840.[26] He appointed Hugh McLeod military commander of the expedition, and, since Congress had failed to make appropriations for the regular army, authorized him to raise volunteers to accompany the expedition. He took upon himself the authority to order the secretary of the treasury to instruct the comptroller to open on his books an appropriation for fitting out the Santa Fé expedition,[27] and Major George T. Howard was sent to New Orleans to purchase supplies.

The volunteers for the expedition began to arrive in Austin early in May, and went into camp on Brushy Creek, about twenty miles north of Austin.[28] The party was collecting for the next month, the last group leaving Austin on June 18, accompanied by President Lamar, and the secretary of the treasury, J. G. Chalmers; and on June 21, the whole body set out on the long march to Santa Fé.

The expedition consisted of a military escort consisting of two hundred and seventy volunteers under the command of General Hugh McLeod, and about fifty other persons, consisting of Gen-

[25] *Ibid.*, 518, 555, 610.

[26] A copy of the proclamation is in *Lamar Papers*, No. 1942.

[27] Lamar to Chalmers, Secretary of the Treasury, March 24, 1841, Yoakum, *History of Texas*, II, 323, note.

[28] *Austin City Gazette*, May 12, 1841.

eral McLeod's staff, merchants, tourists, servants, and the civil commissioners who were to take over the civil government of the province in case of success.[29]

The commissioners, William G. Cooke, J. Antonio Navarro, Richard F. Brenham, and William G. Dryden, being expected to take over the civil affairs, the instructions of the state department were directed to them. According to these instructions, the commissioners were appointed to accompany the military expedition about to start for Santa Fé, and they were to have the chief directions of the expedition. The expedition had been organized by the President, the acting secretary of state said, for the purpose of opening a communication with that portion of the republic known as Santa Fé, and of closely uniting it with the rest of the republic, "so that the Supremacy of our constitution and laws may be asserted equally over the entire tract of country embraced within our limits; but as that portion is inhabited by a people strangers to our institutions and to our system of Government, speaking a different language, and deriving their origin from an alien source, whose religion, laws, manners and customs, all differ so widely from our own, the greatest circumspection will be necessary, in making known to that people the object of your mission, on your first arrival in Santa fe and subsequently in conducting your intercourse with them."

The great object of the President, he said, was to attach the people of the district of Santa Fé to the Texas system of government, and to create in their minds a reverence for the Texan Constitution; and to spread among them a spirit of liberty and independence, which would alone qualify them for good citizens, under a government, the very existence of which, depended upon the will of the people.

The President had no illusions as to the possible manner of reception of the expedition; and the commissioners were instructed to conduct themselves with caution, and to require the same of the military command entrusted to their charge. It was expected that they would meet with opposition from narrow-minded persons, but the President believed that patience and good judgment would accomplish their purpose.

Their first object upon entering the city of Santa Fé was to

[29]Kendall, *Texan Santa Fé Expedition*, 72.

attempt to get possession of all the public property; but they were to hesitate to use force if the property were not surrendered peaceably. "The people of Santa fe are our fellow citizens," said the Secretary of State,

> and it cannot be long before they will be fully incorporated with us, partaking of all the advantages and benefits which we enjoy, under our form of government. . . . If they can be brought with their own free will and consent, to submit quietly and cheerfully to an incorporation with us, acknowledging themselves a constituent portion of the Republic, and setting into operation our constitution and laws, then may we confidently expect of them, fidelity and patriotism; but if they are awed into submission by threats, or still worse if they are driven to it by the application of Military power, the disasterous consequences that must inevitably follow, cannot well be foreseen.

The commissioners were to be left largely to their own resources in accomplishing the purposes of the government, but several arguments were submitted for their guidance. In the first place, they were to assure the people of Santa Fé of the protection of the government in the enjoyment of life, liberty, trial by jury, freedom from forced loans, and from all taxes levied without their consent; at the same time they were to hold before their eyes the folly of resistance. Emphasis was to be placed on the fact that by coming under the government of Texas they were to have equal representation in Congress as based upon population.

In case all obstacles were overcome, after taking possession of the custom-houses, books, money, archives, they were to appoint such persons as they might think proper for the government of the city; and were advised to appoint local men as far as possible. After familiarizing themselves with the conditions, they were to propose the sending of three commissioners to Austin, who were to have a seat in the Congress, with the right to discuss any proposition coming before the body, but without a right to vote.

In view of the fact that some of the Texan politicians of the day, and many people in the United States, understood it to be Lamar's intention to conquer with a force of two hundred and seventy men a province of Mexico lying hundreds of miles from the frontier of his own government, the following quotation from the official instructions is inserted, which indicates that no such

purpose was in his mind. After stating that the foregoing instructions were based on the supposition that no force would be opposed by the citizens of Santa Fé, and that in case of opposition the commissioners must rely upon their own discretion, the instructions continued:

> The President anxious as he is to have our National flag acknowledged in Santa fe, does not consider it expediant at this time to force it upon that portion of the Republic. If the Mexican authorities are prepared to defend the place with arms, and if you can satisfy yourselves that they will be supported by the mass of the people, no good result can come from risking a battle; for if our arms are successful, a strong Military force would be necessary to hold possession of the place, the cost of keeping which, to say nothing of other objections equally forcible, would of itself be sufficient; and if they are unfortunate, the evils that would flow from it are sufficiently apparent. In this case therefore, you will not be authorized to risk a battle.

It was to be expected that much would be made of the commercial possibilities of the expedition, yet we find that little attention was paid to that subject. "As valuable as their trade is," said the instructions,

> and solicitous as the President is to open its advantages to the citizens of this country, he yet owes a paramount duty to the constitution, and has directed me to instruct you, that you are to make no arrangement, stipulation or agreement whatever with the inhabitants, for the admission of Texan goods into that District of country, by which Texan Citizens will be required to pay any duties to them. We claim the jurisdiction, and consequently the right to demand the revenue, and if we cannot enforce our right, we must at least do nothing to impair it. . . . The object of the expedition being to conciliate the people of Santa fe, to incorporate them with us, and to secure to our citizens all the benefits arising from the valuable trade carried on with them. It may be necessary to diminish the tariff to a still lower rate to effect these objects; but nothing short of necessity will justify any interference with the rates established by Congress, and of this necessity the collector of customs must be the Judge.[30]

At the same time that the above instructions were given to the four commissioners, a separate list was given to Cooke, who was to

[30]Acting Secretary of State Roberts to William G. Cooke, etc., June 15, 1841. Garrison, *Dip. Cor. Tex.*, II, 737-743.

be resident commissioner and have charge of the government after the other commissioners had returned to Texas. These instructions constituted Cooke the ruler of Santa Fé under the laws of the Republic of Texas, and of course were to be effective only in case the expedition accomplished its purpose.[31]

As I have said, the last detachment of volunteers and guests left Austin for the camp on Brushy Creek. Among these was George Wilkins Kendall, editor of the New Orleans *Picayune,* who had decided to join the expedition when he became acquainted with Major George T. Howard, who was purchasing supplies in New Orleans, and who was invited to join the expedition as a guest of the government. Kendall has given us an extensive account of the trip from its beginning to his release from a Mexican prison.[32] Also with this last detachment rode the President of the republic. During their ride to Brushy Creek from Austin they stopped for lunch in the middle of the day, and Kendall was very much impressed by the fact that Lamar groomed his own horse and cooked his own dinner. "There was a specimen of Republican simplicity," he said, "the chief magistrate of a nation cooking his own dinner and grooming his own horse." He then paid this tribute to Lamar: "In all my intercourse with General Lamar I ever found him a courteous and honorable gentleman, possessing a brilliant intellect, which has been highly cultivated; and if Texas ever had a warm and untiring friend, it was and is Mirabeau B. Lamar."[33]

Lamar and his party spent the night in camp, reviewed the various companies, and delivered an address to the assembled party, and then returned to Austin. The expedition got under way June 21, a month later than had been originally planned.[34]

In writing a biography of Lamar, we might perhaps leave the expedition here; for the group of men who set out with such confidence and so blithely on June 21 were not heard of again until several months after the close of Lamar's administration, and then they were prisoners of the Mexicans, on their way to Mexico City. But the failure of the expedition was made the excuse for

[31]Roberts to Cooke, June 15, 1841, in *Ibid.*, 743-747.
[32]*Narrative of the Texan Santa Fé Expedition.*
[33]Kendall, *Narrative,* I, 69.
[34]*Ibid.*, I, 71.

bitter attacks on Lamar, and since historians have accepted the more or less superficial judgments of the time, it will be well to give a somewhat complete history of the expedition, and try to arrive at the causes for its failure.

The first incident after leaving that contributed to the failure of the enterprise occurred only a few days after departure from the camp on Brushy Creek. Anticipating a journey of only six weeks or two months, provisions had been prepared for that length of time; but the long delay in getting under way had caused the consumption of the cattle to a large extent, and when the party pitched camp on Little River, June 24, only about sixty miles from Austin, it was found necessary to send back for more beef cattle. The main body waited five days for these supplies, and, in the meantime, continued to consume the provisions which were not too plentiful.[35]

They left the camp on Little River on June 29, and traveling almost due northward, were almost a month in traversing the valley of the Brazos. On July 21, they came to the Cross Timbers, about two hundred miles from their starting place. About ten days were consumed in cutting their way through the Cross Timbers, the wagons of the merchants which accompanied the expedition making necessary roads of some description. At this point, it was necessary to cross the Brazos, which was accomplished with much difficulty.

The purpose of the leaders was to go north to the Red River, and to follow that river to its source, whence only a short distance would remain to Santa Fé, and that along the well marked trail from Santa Fé to St. Louis. The distance was much greater than a direct route, but they were unable to secure guides who knew the country to the northwest. It was to prove that they were no more fortunate in securing a guide for the longer journey. After leaving the Cross Timbers, July 31, their next destination was Red River. They soon came to the Wichita River which they mistook for the Red River, and followed it for several days, until they found slightly to the south, the headwaters of the Brazos, the river which they had crossed a month before. When this was discovered, a detachment was sent northward to explore for the Red River, and it was located about seventy-five miles north

[35]Kendall, *Narrative*, I, 85.

of where the main body was encamped.[36] From this point I shall quote freely from the official report of William G. Cooke, the resident commissioner.

After many unexpected delays and embarrassments, that retarded our march beyond the time anticipated for our arrival in Santa Fé, we at length on the 29th August, reached a point on the Palo Duro a tributary of Red River beyond which there was apparently no further means of progressing with the wagons accompanying the Command. Previous to this time, on the 11th, Mr. Howland our guide, was sent forward with two men, bearing a communication to Mr. Dryden our colleague in Santa Fé; we being at the time under the impression that we were within one hundred miles of that city—judging from the information of a Mexican whom we had also employed as a guide, who was a native of Taos and appeared to be familiar with the country through which we were passing. A few days after the departure of Howland the Mexican suddenly deserted in company with a private—an Italian named Brignoli. On our arrival at the Palo Duro the Commissary reported but five days ration of beef, other rations exhausted—the country in advance of us appeared impassable for wagons—and Indians in large numbers had made their appearance in the vicinity of our camp. Under these embarrassing circumstances, when further progress with the entire command and train seemed impracticable, it was concluded that the undersigned, and a majority of the Commission should proceed forward with one-third of the escort to the nearest settlement to procure supplies and guide to furnish and conduct the troops into New Mexico. We left camp accordingly on the 31st August with 75 soldiers under the command of Capt Sutton—who with the merchants and others formed a body of 97 men. It was our expectation on leaving camp that we should arrive at settlements or strike a road that had been described to us leading to San Miguel, in five days march—but we saw no human being nor any sign of civilization until we reached the Moro a branch of Red River on the 11th Sept, where we met with some Mexican traders—they informed us that we were about 80 miles distant from San Miguel and that there was a wagon road leading from that place to within a short distance of our camp. We immediately sent back two of them with orders to Genl. McLeod to destroy the baggage wagons and follow us with all despatch. We continued our march and on the 14th Mr. G. Vanness our Secretary was despatched ahead to San Miguel to communicate with Mr. Dryden whom we expected to meet there and to gain some information respecting the condition of the country—he was also directed to make arrangements

[36]Kendall, *Narrative, passim.*

for procuring supplies—he was accompanied by Maj. G. T. Howard, Capt W. P. Lewis, Mr. Fitzgerald a merchant of San Antonio and Mr. Kendall of New Orleans.

The main body were forced to travel slowly on account of the condition of their horses, and arrived on the Pecos on September 15 at a small town named Anton Chico, twenty miles from San Miguel. Here they were visited by a Mexican officer accompanied by seventy armed men, who informed them that the Governor of New Mexico was advancing to meet them with a large force, and ordered them to surrender their arms. "We declined holding any communication with him in regard to the object of our visit, . . . but informed him that we came with no hostile intentions toward the citizens of the country and positively refused to lay down our arms."

They decided to remain at Anton Chico until they had received some intelligence from Van Ness, who was supposed to have proceeded to meet the governor. On the 16th they had another interview with the Mexican officer, and told him that unless they received some news from Van Ness by the following morning, they would proceed to San Miguel. The officer said that he would send a courier to Van Ness and order his return, and said that on the following day he would cross the river with his men and encamp near the Texans in order to prove their friendliness. "Up to this time," said the report, "no event had occurred that could justly excite feelings of hostility against us among the people we had met who had been treated by our men with the utmost courtesy, the provisions we had received had been paid for at double their customary value."

On the following day the officer called on them with an express from the governor requesting them to pause until that functionary could arrive. He stated that the governor was approaching with five thousand men and would be in Anton Chico the following day. In the meantime the Mexican forces began to take positions favorable to attack, and the Texans assumed a posture of defence, expecting every moment to be attacked by the forces under Salezar. "There was no longer any doubt as to the intentions of the Mexicans," continued the report,

and we were momentarily expecting a conflict, when Capt Lewis galloped over to us in company with Don Manuel Chavis kinsman

and confidential agent of the Governor with authority to demand our surrender upon the following terms—That we should immediately give up our arms and remain at Anton Chico as prisoners of war on parole, until such time as supplies could be obtained for the subsistence of our troops in returning to Texas—that on no condition could we be allowed to proceed further into Mexican territory, but that as soon as provisions were procured we should be escorted beyond the frontier, where the arms, horses and private property of the officers and men should be restored to them.—These terms were offered by Mr. Chavis, with the most solemn pledges for their fulfillment, seconded by the assurances of Capt Lewis in whom at that time we reposed the utmost confidence.

And then follows the story of Lewis's treachery. Lewis informed the commissioners that he had gone with Van Ness and Howard to execute the orders of the commissioners, when all three were surrounded and taken prisoners by the Mexicans. They were about to be shot when some explanations Lewis made caused the Mexicans to release them; and they were conducted to the governor. The governor, Lewis said, released him and sent him back on parole. He stated that the people of the country were all arrayed in arms against the invaders, and greatly exasperated against them on account of the false reports that had been circulated as to the object of the expedition by the deserter Brignoli. He then told them that he had left the governor within twelve miles of Anton Chico with two thousand troops, and that he would shortly be joined by two thousand more, all well armed and disciplined. As a result of this, and on account of his argument that the lives of the whole party depended upon surrendering their arms at once, "Under these circumstances," said Cooke's report,

without provisions for our men, our horses broken down by long and weary marches, deprived of any hope of aid from our main body by a distance of two hundred miles, with an enemy before us with more than five times our numbers and should we be victorious in the present fight of which we had no doubt, the prospect of being attacked by several thousand fresh troops in less than twenty four hours—in this situation and considering that we were specially instructed to avoid hostilities should the people themselves be opposed to us, we concluded the best and most prudent course we could adopt was an acceptance of the terms proposed, and consequently we surrendered.

Governor Armijo arrived at Anton Chico on the 18th with less than one thousand men, and immediately distributed the arms of the Texans among the Mexicans, and started the Texans on their long march to Mexico City. At the same time he moved forward to meet the body which had been left behind on August 31 under General McLeod. Efforts had been made to inform McLeod of the fate of the advance party of ninety-seven men, but they failed, and McLeod received the same treatment as the others, being forced to surrender one hundred and eighty-two men, who were sent after the first group to Mexico City.[37]

It is not my purpose to follow the prisoners on their painful journey on foot to the city of Mexico, nor to follow the negotiations for their release. It is sufficient here to say that in the spring, after seven months in prison, through the intervention of the foreign ministers in Mexico, all the prisoners who could show themselves to be citizens of the United States or some European country were released. The Texans, with the exception of Navarro, who was bitterly hated by Santa Anna, were released in the summer, and by the close of 1842 most of them were again in Texas.[38] I shall, however, examine the various causes given for the failure of the expedition, and consider the criticisms and defence of the administration for undertaking the enterprise.

For the sake of clearness let me summarize at this point the developments connected with the sending of the expedition. The Texans claimed, partly as a result of the treaty of May 14, 1836, with Santa Anna, and partly on account of a statute, passed in December, 1836, that the boundary extended along the Rio Grande to its source, which would include Santa Fé. Lamar, on coming into office, was advised by his friends and received favorably their advice to undertake a politico-military expedition to Santa Fé, partly for the purpose of establishing commercial connections, but also for the purpose of establishing political control over that part of New Mexico. Various other interests prevented the undertaking until the summer of 1841. In the meantime, however,

[37]W. G. Cooké and R. F. Brenham to Secretary of State, November 9, 1841. *Santa Fé Papers.* This report was sent from Allende, Chihuahua, Mexico, as they were on their way to Mexico City. It did not arrive in Texas until February of the following year, after Lamar's term of office had expired.

[38]Garrison, *Texas*, 246.

Lamar had been in communication with men who had lived at Santa Fé, and had received assurances that the populace were very much dissatisfied with the rule of Armijo, the governor, and would welcome a Texan force. As a result of this he sent a letter to the citizens of Santa Fé, and appointed three commissioners to prepare the ground for the coming of the Texans. He attempted to secure some authorization from Congress for the expedition during the session of 1840-1841, but due to an economizing spirit, and on account of the opposition of Houston, and as a result of a difference of opinion as to how military aid should be extended to the merchants, nothing was done by Congress. In spite of this, Lamar called for volunteers, ordered an appropriation opened on the books of the comptroller for fitting out the expedition, and on June 21, 1841, it left with his blessing, but to be taken captive in September, before ever they reached Santa Fé.

Nothing having been heard of the expedition when the next Congress met in November, 1841, a reaction had set in, and the members were free in their criticism of the President's action. The House of Representatives appointed a select committee to investigate the whole subject. This committee reported on December 6, and found that the President had violated the Constitution in ordering money paid out of the treasury without an appropriation by Congress, and that his action in enlisting an army of volunteers without the sanction of Congress was in violation of the Constitution. They found that for the expenses of the expedition $89,549.69 had been expended.[39] The quarter-master-general, on the other hand, reported the sum of $78,421.51.[40]

The committee did not find that any of the rights of Mexico had been overridden, and there is every evidence that it was considered purely as a matter of domestic concern, and the question was one merely of constitutionality. Houston held the same view, as instanced by his letter to Santa Anna, March 21, 1842. In this letter he defended the claims to the Rio Grande as a western boundary, and insisted that the prisoners should be released, since it was no concern of Santa Anna. At the same time, he said that

[39] *Austin City Gazette*, December 15, 1841.
[40] *Army Papers*, 1840-1841. Texas State Library.

Lamar had acted unconstitutionally in sending the expedition without the approval of Congress.[41]

This criticism was probably justified. It must be remembered, however, that Lamar had considered sending the expedition on his own account ever since the matter first came into his mind, and he did not consider the approval of Congress necessary. Normally the regular army was under his command, and could be sent anywhere in the republic that he wished to send it; and he conceived it to be a legitimate use of the army to protect merchants in opening up trade which all public men favored. It was the failure of Congress to make any provision for the regular army in the session of 1840-1841, that made it necessary for Lamar to take the matter into his own hands. He justified himself in this, however, by saying that the principle had been accepted by both houses, and it was only the details on which they could not agree.

Assuming that the claims of Texas to the Rio Grande were just, and nobody in Texas denied it at that time, was Lamar justified in his assumption that the people of Santa Fé would accept Texas sovereignty without a struggle? The instructions to the commissioners prove that Lamar had no grandiose schemes of conquest, and that he was not under the illusion that he was able at that distance to maintain control over New Mexico in case there was resistance on the part of the people of New Mexico themselves. The whole expedition was planned on the assumption that the people of Santa Fé would welcome the Texans. And Lamar was not alone in this assumption. The revolt of 1837-1838 against the central authorities, and the complaints which had come to Texas concerning the rule of Armijo, who had put down the revolt, together with the assurances of Dryden, who was in Texas in 1840, convinced the people of Texas that no difficulty would be encountered in taking possession of Santa Fé. "The universal impression in Texas was," says Kendall,

> that the inhabitants of Santa Fé were anxious to throw off a yoke, which was not only galling, but did not of right belong to them, and rally under the "lone star" banner; and events which have since transpired, and which I shall refer to hereafter, have convinced me that such was the feeling of the population. Should

[41]Houston to Santa Anna, March 21, 1842, *Niles Register*, LXII, 98.

any opposition be made to the peaceable entry of the Texan pioneers, it was thought that it would come from the few regular troops always stationed at Santa Fé by the government of Mexico; and this force would have easily been put down if a large majority of the residents were in favor of such a course.

William G. Dryden, who had been in Austin in March and April, 1840, returned to Santa Fé on September 17, and immediately began holding conferences with the people and governor of Santa Fé. On March 10, 1841, he wrote:

Ever since I arrived on the 17th of last Septr., we have been looking for some news from Texas—Because every American, and more than two thirds of the Mexicans, and all the Pueblo Indians are with us heart and soul; and whenever they have heard of your sending Troops, there has been rejoicing: and indeed I have talked many times with the Governor, and he says he would be glad to see the day of your arrival in this country, as he feels well assured that no aid will be sent from below, as they have no means, and he himself will make no resistance

I assured all my friends you would send last fall—I now have pledged myself, this summer; and I shall never lose hope as long as life shall last. I trust, if all things are right, before you receive this, the force will be under march, and near here. It will but be a trip of pleasure.[42]

This letter did not reach Lamar until August, after the expedition had left, but indicates that this man who had lived long among them thought the people of Santa Fé would welcome the Texan expedition.

An interesting testimony to the same effect is contained in a letter of an American Santa Fé trader to the *St. Louis Bulletin* in the fall of 1841. The writer related some of the incidents of the trip which he had just completed from Santa Fé, and with regard to the Texan expedition said:

No news had been received at the time of the departure of the Texan expedition. A ready submission on the part of the inhabitants is to be anticipated; but the number sent from Texas, without reinforcements, is entirely too small to retain possession of the country. Should they arrive at all in Santa Fé it is said they must suffer for want of supplies, as great scarcity of food in that quarter is looked for for the coming winter.[43]

[42]Dryden to Lamar, March 10, 1841, *Santa Fé Papers*, Texas State Library; *Austin City Gazette*, August 25, 1841.

[43]Copied from *St. Louis Bulletin* in *Niles Register*, LXI, 100.

Unquestionably the reception accorded to the expedition was not in accordance with the hopes or expectations of the Texans, of Dryden, and of the anonymous American writer. Was this due to the fact that the observers misunderstood the attitude of the people of Santa Fé, and that there was never the willingness to change allegiance that was ascribed to them; or was it due to a change in sentiment before the Texans arrived, and before the agents in Santa Fé could communicate to the authorities of Texas? Both were partly true, it seems. Apparently no secret was made of the plans of the Texans, either in Texas, or by the commissioners residing in Santa Fé; so ample opportunity was given for counter-preparations in case the Mexican government opposed Texan occupation of Santa Fé. Dryden had been discussing the subject since September, 1840, and there had been ample time for Armijo to communicate with his home government; but in case the governor were disloyal, the central authorities had ample opportunity to learn of the project from other sources.

On the day after the Santa Fé party took their departure from the camp on Brushy Creek, Rafael Uribe, an emissary of General Mariano Arista, commander of the Northern Army of Mexico, arrived in Austin with a letter from his commander to "Mr. Mirabeau Lamar." The substance of this letter was that Arista was anxious to come to some agreement with the Texan authorities with regard to the border brigandage which was taking place. Lamar refused to receive this emissary because the letter was improperly addressed, but he took the opportunity of sending two commissioners to the camp of Arista empowered to treat on the subject.[44] The rejected commissioner was able to learn of the departure of the Santa Fé expedition, and to give information to his government regarding it. Governor Armijo and the other authorities had been advised that an invasion from Texas was probable, and after the departure of McLeod and his party, special warnings had been sent from the city of Mexico ordering him to keep a constant lookout for the party. Reinforcements were promised him in case of need.[45]

Twitchell is of the opinion that while some dissatisfaction did exist among the native people owing to the official abuses of

[44]Garrison, *Dip. Cor. Tex.*, II, 748.

[45]Twitchell, *Leading Facts of New Mexican History*, II, 74.

Armijo, still the great majority of New Mexicans were not ready to hail the Texans as deliverers; and naturally Armijo, who was well settled in power himself and left to his own devices by the central authorities, was opposed to any change of government. As a consequence, every precaution was taken, and among the common classes the Texans were represented as being a "choice assortment of reckless and desperate men, from whom nothing other than pillage, murder and outrage could be expected."[46] That the governor should be averse to accepting Texan control and giving up his own office is entirely reasonable; but I cannot accept the view of Mr. Twitchell that there was not a large majority of the people of Santa Fé willing if not anxious to change to Texan sovereignty.

It will be recalled that Dryden wrote to Lamar on March 10, and April 18, 1841, showing with what favor his mission had been received, and with what enthusiasm the people anticipated the coming of the Texans. Kendall, who with the advance guard was taken prisoner before arriving in Santa Fé, was convinced that the great majority of the people were anxious for the success of the Texans, and that the failure was due to fortuitous circumstances over which the Texan authorities had no control. I feel constrained to quote in full the explanation given by Kendall for the failure of the enterprise.

In the first place, the expedition began its march too late in the season by at least six weeks. Had it left Austin on the 1st of May, the grass would have been much better, and we should have had little difficulty in finding good water both for ourselves and cattle. In the second place, we were disappointed in obtaining a party of the Lipan Indians as guide, and were consequently obliged to take a route some three hundred miles out of the way, and in many places extremely difficult of travel. Thirdly, the government of Texas did not furnish wagons and oxen enough to transport the goods of the merchants, and this, as a matter of course, caused tedious delays. Fourthly, cattle enough on the hoof were not provided, even with the second supply sent for by the commissioners from Little River. Again, the distance was vastly greater than we had anticipated in our widest and wildest calculations, owing to which circumstance, and an improvident waste of provisions while in the buffalo range, we found ourselves upon half allowance in the very middle of our long journey—a privation

[46] *Ibid.*, II, 74.

which weakened, dispirited, and rendered the men unfit for duty. The Indians also annoyed us much, by their harassing and continual attempts to cut off our small parties and steal our horses. Finally, the character of the governor of New Mexico was far from being understood, and his power was underrated by all. General Lamar's estimate of the views and feelings of the people of Santa Fé and the vicinity was perfectly correct; not a doubt can exist that they all were and are anxious to throw off the oppressive yoke of Armijo, and come under the liberal institutions of Texas; but the governor found us divided into small parties, broken down by long marches and want of food, discovered a traitor among us, too, and taking advantage of these circumstances, his course was plain and his conquest easy.[47]

Granting that there was sufficient evidence of the friendly feeling of the people of Santa Fé, there is still sufficient grounds, even among the causes of failure listed by Kendall, for serious criticism of Lamar for undertaking the enterprise. It would seem that a careful executive would have so planned the expedition that the causes contributing to failure would be reduced to a minimum. Why did the expedition not start by the first of May? It was intended by the President that it should, and the delay was caused by the slowness with which men volunteered for the expedition. Why was not more known as to the distance? The actual distance in an air line from Austin to Santa Fé was only a little less than a thousand miles, and the indirect route taken by the Texans was near thirteen hundred. Nobody in Texas at that time thought it was more than five hundred miles, however, and Lamar can hardly be blamed for adopting the universal view. Jefferson purchased Louisiana with less knowledge of that territory than Lamar possessed of the upper Rio Grande. The failure to provide sufficient supplies is natural when we consider the mistaken idea as to the distance. It does seem that Lamar should have known enough of the character of the Mexicans not to place too much confidence on the word of one of their rulers, and for this failure he was justly criticised.

Lamar seems to have had a single-track mind, and when once he became convinced that an expedition to Santa Fé should be undertaken for the two-fold purpose of bringing that region under subjection to Texas and securing the valuable trade for Texas,

[47]Kendall, *Texan Santa Fé Expedition*, I, 365-366.

he was unable to consider the effect of success or failure on the relations of Texas with Mexico. In fact, it seems that he considered the question as entirely foreign to the interests of Mexico, and even while he was preparing the expedition, he was sending a minister to Mexico to treat on all questions at issue between Mexico and Texas, and, as we have seen, two days after the expedition left he was sending commissioners to the camp of General Arista for the purpose of arranging some means of stamping out brigand border warfare, and in order to keep open the commerce of Texas with the western settlements of Mexico on the Rio Grande.[48] Andrew Jackson, who had continued his interest in Texas, understood the importance of this phase of the question, and on May 25, 1842, wrote to Houston as follows:

> The wild goose campaign to Santa Fé was an ill-judged affair; and their surrender without the fire of a gun has lessened the prowess of the Texans in the minds of the Mexicans, and it will take another San Jacinto affair to restore their character.[49]

The expedition failed, and it is easy to criticise a venture that has failed. It is easy to see how certain conditions should have been anticipated and guarded against, but none of Lamar's critics pointed out any of these things before the enterprise was undertaken, the only cause of opposition being the expense. Since it failed, however, there were many who were willing to criticise the plans and the policy, and one critic went so far as to demand that Lamar be sent to Mexico and be sacrified for the prisoners who were in Mexico at that time.[50] But if it had succeeded, and there were strong evidences that it would succeed, Lamar would have added to Texas a tremendous territory, and would have secured valuable trade for Texas ports. It may be well enough to judge of its expediency from its failure, but to judge rightly the policy, one should take into consideration the plans and purposes of Lamar, and the seeming justification in his own mind at the time for the enterprise.

[48]Garrison, *Dip. Cor. Tex.*, II, 748.

[49]Jackson to Houston, May 25, 1842, Yoakum, *History of Texas*, II, 329, note.

[50]Lamar Papers, No.

Chapter VI

FOREIGN AFFAIRS DURING LAMAR'S ADMINISTRATION

When Lamar assumed the presidency the independence of Texas had been recognized only by the United States. This recognition had been extended just before the close of Jackson's administration. The Texan offer of annexation, which had been adopted by an almost unanimous vote in the summer of 1836, had been definitely rejected by the United States in August, 1837, and in October, 1838, the minister of Texas to the United States, acting on instructions from President Houston, withdrew it. This action was commended by Lamar in his inaugural address. Shortly after this address the Congress adopted resolutions endorsing the withdrawal of the offer, though the preceding Congress had refused to take such action.

The withdrawal of the offer of annexation immediately gave Texas a better standing among the nations of the world. As long as England and France believed that Texas was only waiting for annexation to the United States, they were not materially interested in its affairs, but now there seemed to be a favorable opportunity for friendly relations or for exploitation, and the European countries became more interested in the development of Texas. Lamar made deliberate use of the changed attitude, advising Congress to levy only nominal tariff duties in order to draw the trade of the European countries, and instructing the various representatives of Texas in Europe to offer favorable commercial concessions in return for recognition of Texan independence. Partly as a result of this policy, and partly from other causes which I shall show in the proper place the first year of Lamar's administration saw the recognition of Texan independence by France, and during 1840 England, Holland, and Belgium extended recognition.

In the policy of standing aloof from the United States while pursuing friendly relations with England and France, Lamar was following in part the policy suggested by his predecessor though he gave vitality to it because of his well known and strong opposition to annexation. The policy of direct negotiation of peace with Mexico on the basis of the purchase of her territory by Texas

began with Lamar, however, and during his administration he sent three separate agents to Mexico for this purpose, while numerous secret agents kept him informed of the developments. At the same time, while remaining officially neutral, he gave some countenance to the various revolts of the federalists against the centralists in power at that time. I shall follow out with some detail these efforts to negotiate with Mexico, and also discuss the relations between Texas and the United States, France, and England.

1. Efforts to Negotiate Peace with Mexico

Just who was responsible for the idea of sending an agent to Mexico for direct negotiations, it is impossible to say. Lamar had nothing to say with regard to this policy in his inaugural address or in his message to Congress a few days later. In fact, the first time that he took Congress into his confidence was in November, 1838, when he told the Congress in a secret session the result of the first mission, and announced that he had sent another. On September 12, 1838, James Morgan, an old friend of Lamar, sent him a confidential letter from a friend in New York, and asking his opinion of the project set forth.[1] This enclosure has not been found, but a letter of December 27 from Morgan indicates that the friend in New York was James Treat, who afterward became a secret agent of Texas to Mexico, and that his suggestion was that a secret agent be sent from Texas to bring about overtures of peace from Mexico on a basis of the purchase of her own territory by Texas. Morgan advised the adoption of this policy.[2] A short time afterward George L. Hammeken, who was also well acquainted with conditions in Mexico, wrote suggesting a peace commission to Mexico.[3] This was followed by a letter from Samuel Plummer, another man who was acquainted with conditions in Mexico, advising similar action.[4]

There was apparently no connection between these men, but all knew intimately the conditions in Mexico, and all advised the sending of a peace commission. All of them had lived in Mexico for some time or had just been there, and spoke with a full knowledge of conditions. It did not take their statements, however, to in-

[1] *Lamar Papers*, No. 814.
[2] Morgan to Lamar, December 27, 1838, *Lamar Papers*, No. 959.
[3] Hammeken to Lamar, January 2, 1839, *Lamar Papers*, No. 984.
[4] Plummer to Lamar, February 16, 1839, *Lamar Papers*, No. 1068.

dicate to Lamar and his advisers that if there was ever to be a propitious time for a negotiated peace, that was the time.

For the greater part of 1838, and until March, 1839, the Mexican ports were blockaded by a French squadron. For several years there had been complaints on the part of French subjects in Mexico on account of unfair treatment, and the government of France had demanded a settlement of the claims of her citizens against Mexico. Despairing of an amicable settlement, the French minister withdrew from Mexico City on January 16, 1838, leaving the legation in charge of a *chargé d'affaires*. Upon leaving Vera Cruz he was met by a French squadron under Bazoche, who had been instructed to support the demands of the minister with force. On March 21 Bazoche sent an ultimatum to the Mexican government demanding the immediate payment of $600,000 to be applied to the claims of French citizens. Four days later the Mexican government announced its refusal to accede to the demands, and refused to discuss the matter unless the French squadron retired.[5] On April 16 Bazoche acted upon his threat and announced that diplomatic relations were suspended and the ports blockaded, not against the nation, as he said, but against the government. This was probably to weaken the government of Bustamante, which was already growing unpopular.[6] A French squadron stood off Vera Cruz and effectively prevented the entrance or egress of any vessels, thus seriously crippling the finances of the country. This blockade continued throughout the summer with the acquiescence of Great Britain, and to the delight of the Texans.

While the French were blockading the ports of Mexico, the federalists used the opportunity to break out in revolts in various parts of the country. The adoption of the centralized constitution in 1835, which had resulted in the Texas revolution, and which had caused an outbreak in New Mexico in 1837, had never been universally accepted. In the summer of 1838 the discontent made itself felt in uprisings in Sonora, Sinaloa, California, Tamaulipas, and Yucatan. The most serious of these was in Sonora and Sinaloa, headed by Urrea. Urrea seized the custom-house at Guaymas and restored the federalist system. He was defeated at Mazatlan on May 6, 1838, but went to Tampico and stirred up a re-

[5]Bancroft, *History of Mexico*, V, 187, 188; C. M. Bustamante, *Cabinete Mexicana*, I, 112.

[6]Bancroft, *History of Mexico*, V, 189.

volt there in October, 1838. The government of Bustamante was very weak, and no effective steps were taken to put down and punish the rebels. The cutting off of imports left the country without funds, and Congress took no steps to remedy matters.[7]

Late in October Admiral Baudin arrived at Vera Cruz with additional ships and took over command of the French squadron. He was authorized by his government to enter into negotiations for the settlement of the difficulties. He at once got into communication with Cuevas, the Mexican Minister of Foreign Affairs, and made the same demands that had been made by Bazoche in March. The failure of Cuevas to give proper guarantees that the demands would be granted or considered led to the sending of an ultimatum by Baudin on November 21, in which he stated that if the demands were not granted by the 27th he would begin hostilities by an attack on the castle San Juan de Ulua. No adequate response was made, and on the day set San Juan de Ulua was bombarded, and although the Mexicans considered it impregnable, it was captured after a few hours bombardment. The French took possession the following day, promising to restore the fortress as soon as all differences were adjusted. The commander of the Mexican forces agreed to reduce the garrison of Vera Cruz to one thousand men, and to receive back and indemnify the expelled Frenchmen. The French on their part agreed to lift the blockade for eight months.

The Mexican cabinet refused to confirm the agreement of the commander of the forces at Vera Cruz and prepared for fighting. This led to a battle at Vera Cruz early in December, when the Mexicans under the command of Santa Anna were severely defeated. Shortly after this the British minister offered his services to mediate the difficulty, and both sides accepted. This resulted in the signing of a treaty on March 9, 1839, by which the Mexicans agreed to everything demanded by the French.[8] San Juan de Ulua was restored on April 7, and the French fleet retired.[9]

These conditions, as I have said, were known to Lamar and influenced him to send a peace commissioner to treat with the Mexican authorities. Besides, Lamar and his cabinet had heard that Santa Anna was again at the head of the government in Mexico.

[7]Rives, *United States and Mexico, 1821-1848*, I, 435.
[8]Dublan and Lozano, *Legislacion Mexicano*, III, 617.
[9]Bancroft, *History of Mexico*, V, 204.

probably because he was appointed to the command of the army at Vera Cruz, and they considered that as favorable to Texas. It will be recalled that Santa Anna, while a prisoner in Texas after the battle of San Jacinto, entered into a secret treaty with the Texan authorities by which he agreed not to take up arms against Texas during the war for independence; that he would prepare the cabinet in Mexico for the favorable reception of a minister when Texas saw fit to send one; and that a treaty of amity, commerce, and limits should be agreed to, the limits of Texas not to extend beyond the Rio Grande.[10] It is apparent that this belief also influenced Lamar to send the mission.

The information that several towns in the north had declared for the federalist system was contained in a letter dated December 17, 1838, from Canales, a federalist leader, who prophesied that within a short time the whole republic would come over to the Federalist party.

The information that Santa Anna was at the head of the government as a supporter of the Federalist party was contained in the letter of Plummer, referred to above. It was this letter that determined Lamar to send immediately an envoy to Mexico, and he considered it of enough importance to send his secretary of state Barnard E. Bee. Bee had been intended for appointment as minister to the United States, and had been instructed to get in touch with the minister from Mexico and attempt to form a treaty of peace through him; at the same time he was to seek the mediation of the United States. When it was decided to send Bee to Mexico, Richard G. Dunlap was sent as minister to the United States with the same instructions as were given to Bee. Both were to do everything in their power to come to an agreement with Mexico.[11]

Bee was given two commissions, one as minister plenipotentiary to be used in case he was received by the Mexican government, and one as agent in case he was not received. He was given full powers to negotiate for peace, and sign a treaty securing it, but he was to require the unconditional recognition of the independence of Texas, and was to admit no limits less than those prescribed by the act of Congress of December 19, 1836, which provided that

[10]Garrison, *Dip. Cor. Tex.*, II, 434; *Niles Register*, LXIX, 98.

[11]Webb to Dunlap, March 13 and 14, 1839, Garrison, *Dip. Cor. Tex.*, I, 368-378.

the Rio Grande to its source was the boundary between Texas and Mexico. If Mexico was willing to establish peace and recognize the original boundaries of Texas—which included only to the Nueces—he was empowered to propose a compromise by offering to purchase all included between the original boundary and the Rio Grande at a sum not exceeding five million dollars.[12]

The commission and instructions to Bee were dated February 20, 1839, but for some reason he did not get away from Texas until April 1. He then went to Mobile, where he hoped to secure passage to Vera Cruz. Failing there he proceeded to New Orleans, where he got into communication with James Hamilton, Loan Commissioner of the Republic of Texas, and with a Mr. Gordon of the house of Lizardi and Company, the chief holders of Mexican bonds. It was probably here that the idea was conceived to use the indemnity which Texas offered Mexico for recognition to redeem the Mexican bonds held by English investors. Bee remained in New Orleans until May 2, when he embarked for Vera Cruz, arriving there on May 8.

This was the most inauspicious time that could have been chosen to arrive in Mexico with such an object. The difficulties with France, which had been counted upon to expedite negotiations, had been settled and the French fleet had sailed away a month before. Besides, with the withdrawal of the French the authorities had been able to give some attention to the Federalist risings, and one of the most formidable—that of Tampico—had been put down by Santa Anna and Urrea had been captured. Santa Anna was temporarily in charge of the executive office while Bustamante was absent in the north on a campaign against the Federalists there, and certainly nothing could be hoped for from him. So, while Bee set forth on his mission with high hopes, he arrived when an entirely new situation had developed, and there was no chance of success.

While remaining on board the schooner Woodbury at Vera Cruz he communicated with various officials requesting that he be allowed to go to Mexico City to lay his case before the Council. This was peremptorily refused, if he had come to treat for independence. He was informed by General Victoria, the commandant at Vera Cruz, who had acted as the agent of the government in

[12]Webb to Bee, February 20, 1839, Garrison, *Dip. Cor. Tex.*, II, 434.

communicating with Bee, that the French question was settled, the Federalists put down, that reform was about to take place, and that with the great resources at her command Mexico would be forced to wage an efficient war on Texas in order to bring her back into the fold—all this in urging that Texas come back to her allegiance to Mexico. Failing to interest the Mexican authorities in his mission, and receiving threatening letters from several of the people of Vera Cruz, Bee took refuge on the French frigate *Phaeton* on May 28, and wrote letters to several members of the cabinet suggesting that negotiations for peace and recognition be held in Washington.[13]

While Bee was still waiting at Vera Cruz to hear from Mexico City as to the possibility of his reception, Pakenham, British minister in Mexico, received a letter from Gordon in New Orleans, written April 29, 1839, stating the purposes of Bee's mission, and advising that Pakenham give assistance to his project. He stated that Bee was prepared to offer five million dollars for the land between the Nueces and the Rio Grande, and suggested that Mexico should satisfy the claims of English bondholders by locating lands for them within the disputed territory, accepting the five million dollars from Texas, and then agreeing to the line claimed by Texas.[14] Pakenham reported this plan to the Mexican authorities, but was informed that Bee had been rejected without hearing what he had to propose.

Pakenham had been absent on leave in England in 1838, and in October, just before leaving for his return to Mexico, he had been instructed by Palmerston to urge upon Mexico the importance of a prompt recognition of Texas. He now used the opportunity presented by Gordon's suggestion and insisted upon the acceptance of that policy. He laid stress upon the advantage to Mexico of having a barrier state between her and the United States. Gorostiza, the foreign minister, replied that he realized the value of such an arrangement, but that the Mexican government dared not risk so unpopular an act, and hinted that as a preliminary to recognition Mexico would welcome from England a suggestion of an armistice. With regard to the boundary desired by Texas, Gorostiza said that Mexico would never consent to the claims of Texas.

[13] *Lamar Papers*, No. 1255.

[14] Gordon to Pakenham, April 29, 1839; Adams, *British Interests and Activities in Texas*, 26.

"Reconquest is admitted to be impossible," said Pakenham in reporting the conversation to Palmerston, "and yet a feeling of mistaken pride, foolishly called regard for the national honor, deters the government from putting an end to a state of things highly prejudicial to the interests of Texas and attended with no sort of advantage to this country."[15]

Bee had left for his mission not over-sanguine as to its success, believing that Washington was the proper place to treat. After his failure to get in touch with the authorities in Mexico, he was naturally still convinced that he should have gone to Washington. He wrote just before leaving for Vera Cruz: "We made a merry move in coming so suddenly upon these people, the first plan was the true one. It ought to have opened at Washington."[16] He continued firm in the belief that with less publicity Mexico would be willing to come to terms. He was further convinced of this when, after his arrival in New Orleans, he received a letter from Almonte, Mexican secretary of war, stating that the President was willing for him to open his views to the government. At this point James Treat enters into the negotiations.[17]

James Treat had lived in Mexico for a number of years, was well acquainted with Santa Anna, and for some time had been in correspondence with the secret agent of the Mexican government in New Orleans. It was he who had outlined a scheme for pacification in December, 1838, and who had been recommended by James Morgan for a peace mission to Mexico. In the summer of 1839 he became acquainted with James Hamilton,[18] and on June 22

[15]Pakenham to Palmerston, June 3, 1839, British Foreign Office, Mexico, 125; Adams, *British Interests and Activities in Texas*, 27.

[16]Bee to Webb, May 28, 1839, Garrison, *Dip. Cor. Tex.*, II, 449.

[17]Bee to Webb, July 6, 1839, Garrison, *Dip. Cor. Tex.*, II, 456.

[18]James Hamilton played such an important part in the history of Texas during this period that some notice of his activities is required. He was a native of South Carolina who had early become interested in Texas. He was a member of Congress from South Carolina from 1822 to 1829, and governor of the state from 1829 to 1830, retiring when Hayne became governor. His first correspondence with Lamar was in June, 1836, when he wrote a letter of introduction for Barnard E. Bee, who was just then coming to Texas. From that time on he was a steady correspondent, and after Lamar was elected president in 1838 he wrote frequent and long letters giving his advice as to public policy, and probably more than anyone else he influenced Lamar's actions. Just before the close of Houston's administration an effort had been made to secure the appointment of Hamilton as loan commissioner. Upon the refusal of Houston to appoint him, Bee had resigned from the cabinet, probably

Hamilton wrote to Lamar advising that Treat be appointed to assist Bee in the negotiations in New Orleans. Without waiting for a reply, he took the liberty of sending Treat to New Orleans with instructions to assist Bee by getting into communication with the Mexican secret agent.[19] Before anything was done, however, Hamilton, acting on the advice of Poinsett, American secretary of war, advised that Treat be sent direct to Mexico City. This advice was acquiesced in by Bee, and Lamar decided to act upon the advice and send Treat as secret agent with full powers to negotiate a treaty.[20]

The instructions to Treat were in part a duplicate of those to Bee. The unconditional acknowledgment of the independence of Texas within the statutory boundaries was to be demanded as a *sine qua non*. The Texas authorities were now willing to go further in territorial claims, however, and Treat was instructed to propose as the boundary, a line commencing at the mouth of the Rio Grande and running midway of its channel to El Paso, and from that point due west to the Gulf of California, and along the southern shore of that gulf to the Pacific Ocean. "This boundary will not be strenuously insisted upon," said the instructions, "but may be intimated as a counterpoise to any extravagant expectations on the part of Mexico and as a premonition to that government of the ultimate destination of that remote territory." He was authorized to offer up to five million dollars for a recognition of the first claimed boundary, any part of which might be in Mexican bonds.[21]

Treat left Austin immediately upon receiving his instructions and proceeded to New Orleans, where he arrived on August 13, He left there two days later for New York, arriving on the 29th. Here he was detained for two months while waiting for transportation and attempting to secure funds for the trip. He finally left New York in the latter part of October, and arrived, after a

determining Lamar to appoint Bee as secretary of State. He visited Texas in March, 1839, and was appointed by Lamar as loan commissioner, and was sent to France and England to assist Henderson in securing recognition while negotiating for a loan. He was sent on various diplomatic missions after this, which will appear when I discuss the relations of Texas with Europe.

[19]Hamilton to Lamar, June 28, 1839, Garrison, *Dip. Cor. Tex.*, II, 453.

[20]Garrison, *Dip. Cor. Tex.*, II, 459, 466, 470.

[21]Burnet to Treat, August 9, 1839, Garrison, *Dip. Cor. Tex.*, II, 470.

long journey, at Vera Cruz on November 28. He reached Mexico City on December 11 and began his negotiations.

The internal conditions in Mexico throughout the greater part of 1839 were unsettled. The Federalist movement, which had gained considerable strength in 1838, was still flourishing in Tampico and various parts of the north. With the French difficulties settled, the government decided to proceed with vigor against the insurgents under Urrea at Tampico, and Santa Anna, whose loss of a leg in the battle of Vera Cruz had restored him to favor with the populace, urged the president, Bustamante, to lead the expedition against them. Bustamante reluctantly agreed. The executive authority would normally have fallen upon the vice-president, Nicolás Bravo, but the populace demanded Santa Anna, and Bravo gracefully stepped aside, and the Council appointed Santa Anna. Santa Anna assumed the executive power on March 18, 1839, and Bustamante set out for Tampico.[22]

Bustamante traveled leisurely towards Tampico and allowed the insurgents to get between him and Mexico City. Santa Anna, who was in the capital, raised a force and advanced to meet them, and defeated them at Acajete on May 3, 1839. In June Tampico was taken. In July Bustamante returned to the capital and assumed the executive authority. As he had seen no fighting he was discredited and his government was weaker than ever. Santa Anna was the popular hero, but he did not consider that conditions were ripe for his return to power, so he retired to his ranch and left the control of affairs to Bustamante.[23] A complete reorganization of the cabinet took place, however. Juan de Dios Cañedo succeeded Gorostiza as foreign minister, Luis Gonzales Cuevas became secretary of the interior, Xavier de Echeverria, secretary of the treasury, and J. N. Almonte, secretary of war.[24]

Before proceeding with Treat's negotiations it will be necessary to notice the efforts of the Texan minister in Washington to negotiate with the Mexican minister, and also his efforts to secure the mediation of the United States. It will be remembered that Dunlap had been instructed to treat if possible with the Mexican min-

[22]Bustamante, *Cabinete Mexicana*, I, 176; Rives, *United States and Mexico*, I, 450.

[23]*Ibid.*, I, 451.

[24]Treat to Burnet, (Enclosure) September 21, 1839, Garrison, *Dip. Cor. Tex.*, II, 488.

ister in Washington, and if necessary he was to secure the mediation of the United States. To Dunlap's suggestion that the United States mediate between Texas and Mexico, Forsyth gave a half-hearted assent, and instructed Ellis, the new minister to Mexico, to be ready, while observing strict neutrality, to interpose his good offices between Mexico and Texas, but not until Mexico should ask for them.[25] The Mexican minister, Martinez, was made aware of the purposes of Dunlap, but it was not until October that the two ministers got together. During the second week of October they held several conferences, and Dunlap submitted to Martinez a formal request that negotiations be undertaken. The Mexican minister responded that he had no authority to enter into a treaty, but that he would send Dunlap's suggestions to his home government. This was the end of efforts to negotiate a treaty in this manner.[26]

Great Britain had, on her own initiative, taken some steps towards mediation before Treat's arrival in Mexico. As I have already stated, Palmerston had given verbal instructions to Pakenham in October, 1838, urging the recognition of Texan independence, which instructions were submitted after Bee's failure. On April 25, 1839, Palmerston sent his first written instructions to Pakenham on the subject of Texas. In this letter Palmerston argued at length as to the impossibility of a reconquest of Texas. In supplementary instructions enclosed in this letter, Palmerston said that it was not likely that Mexico would listen at once to the suggestion for recognition, but he did hope that she would be willing to accept the good offices of Great Britain.[27] Cañedo had become foreign minister when these instructions were received, and to him Pakenham communicated the substance of them. Cañedo responded that he realized the importance of the recognition of Texan independence, but that the government could not risk so unpopular an act. He stated that Mexico might welcome from Great Britain a suggestion for suspension of hostilities; and Paken-

[25]Forsyth to Ellis, May 3, 1839, MS., Archives. See also Reeves, *American Diplomacy under Tyler and Polk*, 87; Dunlap to Lamar, May 16, 1839, Garrison, *Dip. Cor. Tex.*, I, 383.

[26]Dunlap to Burnet, October 12, 1839, (Enclosing Martinez to Dunlap, October 8, 1839) *Dip. Cor. Tex.*, I, 421-424.

[27]Adams, *British Interests and Activities in Texas*, 28-29.

ham was convinced in September that such an arrangement could be made preparatory to pacification.[28]

From that time forward Pakenham was active in the interest of the recognition of Texas independence by Mexico. On December 12, 1839, he addressed a letter to James Hamilton, who was about to set out on a diplomatic mission to Great Britain, in which he gave an account of his activities. After acknowledging a letter from Hamilton written November 18, he said:

It is some time since I received from Viscount Palmerston Instructions to tender the good offices of Her Majesty's Government towards effecting an arrangement between this Country and Texas; but I regret to say that all my exertions to induce this Government to entertain the question of recognition have hitherto proved unavailing. Not but that the more enlightened Members of the present Administration appear to understand that to continue the contest with Texas would be worse than useless, but there is no man among them bold enough to confront the popular opinion, or, I should rather say the popular prejudice upon this point, which is strongly pronounced against any accommodation with Texas. Besides which they fear, and not without reason, that, for the sake of Party objects, an attempt would dishonestly be made to crush by the unpopularity which would, very certainly, attend such a measure, any Government which should be bold enough to advocate the policy of alienating what is still talked of as a part of the National Territory.

Under these circumstances it appeared to me that the next best thing to propose was a mutual suspension of hostilities as a preparatory step to the ulterior measure of absolute recognition at a future period. . . .

Some time ago Senor Cañedo, the Minister for Foreign Affairs, who, to speak the truth, strongly inclines to the course which wisdom and sound policy recommend with regard to the question of Texas, informed me that after repeated and arduous discussions with his Colleagues he had succeeded in obtaining their consent to place on the records of their deliberations a minute to the effect that if Commissioners from Texas should present themselves, they would be listened to, with the distinct understanding, however, that no proposition for the alienation of the right of Sovereignty would be entertained. But as he would not take upon himself to put into my hands any written communication to that effect, or even convey to me a more definite understanding of what his Government might be disposed to accede to in the way of armistice, or otherwise, I did not think myself at liberty to recommend to Colonel Bee, with whom, on the occasion of his late Mission, I

[28] *Ibid.*, 32-33.

had had some communication, to undertake a fresh journey to this country upon such vague and uncertain grounds.

On receipt of your letter[29] I again entered into communication with the Mexican Government upon the important subject to which it relates, but I am sorry to say, as far as regards the question of recognition, with no better success than before. Nevertheless I have obtained from Senor Cañedo a written communication, . . . stating that this Government are disposed to listen to proposals from the Inhabitants of Texas; but that on no account will they relinquish the right of Sovereignty over that Territory.[30]

Both the Bee mission and the Treat mission were undertaken by President Lamar without consulting Congress. On December 10, 1839, however, he sent a special message to a secret session of Congress giving a full account of the proceedings so far, including the reasons for sending Bee, the causes of his failure, and the reasons for his sending a secret agent. He also mentioned the terms on which the agents were instructed to make peace.[31] As a result of this, Congress passed a joint resolution endorsing his acts, as follows:

1. Congress views with entire approbation the present policy of the Executive.
2. [Boundary as in the Act of December 19, 1836.]
3. That should such a Treaty be passed between the Commissioner on the part of the Government of Texas and Mexico, and

[29]Written November 18 and received December 4, 1839. Hamilton had proposed that Mexico acknowledge the independence of Texas and receive from Texas the sum of five million dollars, with the understanding that the money go directly into the pockets of the bondholders. The bondholders were then to release the lands that had already been granted to them by the government of Mexico. He also informed Pakenham that Treat was on his way to Mexico, but suggested that peace negotiations be begun in London, so that the Mexican bondholders could be present and look after their interests.—Adams, *British Interests and Activities in Texas*, 37.

[30]Pakenham to Hamilton, December 12, 1839, (Copy enclosed in Hamilton to Burnet, January 5, 1840) *Dip. Cor. Tex.*, III, 879-880.

Pakenham enclosed a copy of the written communication by Cañedo, the important part of which was as follows: "V. E. se sirve manifestarme su deseo de saber si por se ha tomado por este Gobierno alguna resolucion en virtud de las propuestas amistosas que en cumplimiento de sus citidas instrucciones ha hacho; y en contestacion tengo la honra de decirle que los Commissionados de los habitantes de Texas seran oydos por el Gobierno Mexicano, bajo la condicion indispensable de que este no ha de desistir de la Soberania nacional sobre aquel Departamento de la Republica."—*Dip. Cor. Tex.*, II, 505.

[31]Winkler, editor, *Secret Journals of the Senate of the Republic of Texas*, 148.

after the same may have been ratified and confirmed by the President and Senate of this Republic, our Commissioners of loans in Europe are authorized to borrow the amount which may be stipulated in said Treaty, at an interest not exceeding six per cent.

4. Be it further resolved, That the said Commissioners appointed on the part of Texas shall if practicable procure the Guaranty of Great Britain for the faithful performance of the Treaty by both parties.[32]

One of the first things that Treat had to report after arriving in Mexico was the promulgation of a proclamation by the President announcing the renewal of hostilities with Texas, and the consideration by Congress of ways and means for financing a military campaign.[33] In fact, A. S. Wright, a secret correspondent of the Texan government was convinced that Mexico was making preparations to invade Texas and kept the Texan authorities informed for some months before Treat arrived.[34] Public or political sentiment would probably have demanded some effort to subdue Texas at any rate; but the news that Texans had joined with the insurgent Federalists on the Rio Grande led to the proclamation of a renewal of the war, and special efforts to secure action by Congress in support of the campaign.[35]

The Texan authorities had shown a marked partiality for the Federalists, partly because they were fighting for the same principles for which the Texans had fought in 1835 and 1836, but chiefly because they felt that the Federalists would regard with more favor the claims of Texas to independence. On December 17, 1838, the Licentiate Antonio Canales, commander of the Third Division of the Federal army, wrote a letter to Lamar announcing the capture of several towns by the Federalists.[36] In this letter he addressed Lamar as "President of the Republic of Texas," which was thereafter cited as an indication that the Federalists recognized the claims of Texas in advance of their success in the revolution. As a result of the friendly feeling engendered by this letter, Congress passed a joint resolution providing for the open-

[32] *Ibid.*, 166.
[33] Treat to Burnet, November 29, 1839, Garrison, *Dip. Cor. Tex.*, II, 501.
[34] Wright to Bee, August 29 to November 18, 1839, in *Ibid.*, 615-632.
[35] Wright to Bryan, November 21, 1839, in *Ibid.*, II, 496.
[36] Canales to Lamar, December 17, 1838, in *Ibid.*, II, 430.

ing of trade with the Rio Grande settlements, and the President issued his proclamation to that effect in February, 1839.[37]

In the spring of 1839 General Anaya, later put to death after the capture of Tampico in June, 1839, who was looked upon as the chief of the Federalist party, visited Texas and promised the Texan authorities that if they would allow him to transport troops across Texas and raise troops in Texas, he would, in case of success, recognize their independence. This permission was refused. Later the Federalists of the northern states sent Francisco Vidaurri, governor of Coahuila, to make overtures for an alliance between Texas and the states of Nuevo Leon, Tamaulipas, Coahuila, Chihuahua, New Mexico, Durango, and the Californias.[38] In spite of the strong sentiment in favor of such an alliance, the authorities refused to entertain the idea.

After the overthrow of the insurgents in Tampico in June, General Canales, Colonels José Maria Gonzales, and Antonio Zapata with a small force fled to Lipantitlan on the Nueces river. Here Canales issued a proclamation inviting the Texans to join him, promising them an equal division of the spoils, twenty-five dollars per month, and a half league of land to those who should serve during the war.[39] Though the government had refused to join Canales, about one hundred and eighty Texans under Colonels Reuben Ross and S. W. Jordan joined the Federalists. On September 30, 1839, the Federalist forces, consisting now of six hundred men, crossed the Rio Grande and marched against Guerrero, which was held by General Pavon with five hundred regulars and four pieces of artillery. Pavon retreated toward Mier and was followed by Canales. On October 3 was fought the battle of Alcantro, in which the Texans distinguished themselves by overwhelmingly defeating the enemy. This was the battle which caused the preparations for an active campaign against Texas.[40]

The Texans continued their operations in connection with Canales and the Federalists, participating in January, 1840, in the creation of the "Republic of the Rio Grande." It is not my purpose, however, to follow their activities. The President had, while

[37] *Lamar Papers*, No. 1079.

[38] Bancroft, *North Mexican States and Texas*, II, 327.

[39] *Ibid;* Yoakum, *History of Texas*, II. 274.

[40] Bancroft, *North Mexican States and Texas*, II, 328; Yoakum, *History of Texas*, II, 274.

treating their envoys with courtesy, refused to join the Federalists in their campaign against the central government. It is likely that he desired their success, as it would have made things better for Texas; but he did not trust the Mexicans. On December 21, 1839, he issued a proclamation warning the citizens of Texas not to invade Mexico, and not to take part in any marauding expedition or other acts of hostility against Mexico, until a renewal of hostilities should be announced by public notice. He declared that any citizen who should invade Mexico, or by any hostile act molest its inhabitants within their own territory, should be considered without the protection of the Texan government, which disclaimed all participation in their conduct, and could afford no countenance to their unauthorized acts.[41]

In his letter of November 29 from Vera Cruz Treat told of the impression created in Mexico by the Texan participation in the battle of Alcantro, but he dismissed the matter by saying the impression would blow over. Later in a letter to James Hamilton, a copy of which was sent to the Texas state department, he considered it more serious than he had at first thought. With regard to this matter and the action of the Mexican government upon it, he wrote:

> . . . You will have seen that the movement of Ross and his party, with other volunteers, to which they attribute the success of the Federalists, and the surrender of the troops in or near Mier, (some 600 men) have produced much excitement on the part of the Govmt as well as in the public mind. The Govmt. having taken all the measures in their power, have called on Congress for special powers to levy taxes to support the war against Texas, and to reunite that department to the national union, etc. etc. etc. Not satisfied with this measure initiated in Congress, and without waiting for the action of that body, another project of Law is sent down by the Secretary of War (Sr. Almonte) declaring it treason against the state for any one "to write act or speak in favour of the views and intentions of the Texans; or in favour of the views of any foreign power having for its object to dismember the territory of Mexico etc.[42]

These two proposals were sent to a special committee by the

[41] *Austin City Gazette*, January 1, 1840.

[42] Treat to Hamilton, December 16, 1839, Garrison, *Dip. Cor. Tex.*, II, 508-509. Treat had a peculiar habit of underscoring, entirely without meaning, many words in his despatches. I shall ignore his italics, using them only when it seems that emphasis is intended.

Chamber of Deputies. The committee reported against granting special powers, but recommended proceeding with the expedition under the ordinary powers of the government. Instead of reporting ways and means promptly, they recommended measures assessing taxes which could not be collected for three or four months.[43] The Deputies refused to accept the report of the committee, and sent it back to them for revision.[44] On January 1, 1840, the President, in his annual message to Congress, expressed surprise at the recognition of Texan independence by France, and urged upon the Congress the necessity of passing the laws asked for the prosecution of the war. After praising the soldiers who were operating against the Federalists in the north, he said:

> The Executive will not fail to use every effort in their power to secure our frontier by the recovery of the territory of Texas, usurped by the ungrateful foreigners, to whom we gave a generous hospitality in that part of the Republic.
>
> On the 18th June of last year, the Government presented to their Council the Bill which, with some modifications, they afterwards laid before the Chambers on the 26th November, demanding powers for making the necessary expenditure, and for carrying into effect the political and military measures requisite for reuniting the Department of Texas to the National Union, which Bill is now before the Chamber of Deputies, as well as another, having for its object to declare traitors to their country such persons who, by act or writing favour the views of any foreign Power, or of the usurpers of Texas, for the purpose of dismembering or making themselves masters of the Mexican territory. The Executive Government have the honor to recommend both these bills once more to your notice, hoping that you will take them into consideration, with the diligence and promptitude which the importance of their object requires of your patriotism.[45]

Apparently this was an unfavorable situation for negotiation, and for the next month Treat did not reveal himself or the objects of his mission to the authorities. Still he did not believe that any serious efforts would be made to subjugate Texas. He thought that by asking for political and military powers, they desired to secure authority to raise an army and at the same time negotiate with the Texans. During the next month, however, he was busily engaged in working secretly against the granting of the extraor-

[43] Treat to Lamar, December 20, 1839, in *Ibid.*, II, 513.
[44] Treat to Lamar, December 31, 1839, in *Ibid.*, II, 523.
[45] *British and Foreign State Papers*, XXIX, 1084 (Translation).

dinary powers. It was not until February 1, 1840, that he, through the intervention of Pakenham, had an interview with Cañedo, minister for foreign affairs.

Naturally, this first interview was introductory and nothing was accomplished. Cañedo explained to Treat the difficulty he had had in persuading the President and other members of the cabinet to receive him at all, explaining that the intervention of Pakenham had been the determining factor. He had been finally authorized by the President to listen to all that Treat might have to say, without committing himself in return. When Cañedo asked to see Treat's credentials it developed that he had no formal credentials, but only the letter of instructions signed by Burnet. Cañedo was willing to accept the letter as sufficient, but stated that the other members of the Government would not, and that it was necessary to secure proper credentials before proceeding. In the meantime, he was willing to accept the guarantee of Pakenham that Treat was officially accredited. The proper credentials were dispatched on March 12.[46]

On March 1, 1840, Treat got so far as submitting to Cañedo the formal *projet* of a treaty, in accordance with his instructions.[47] On April 15 he received his credentials. On the 18th he communicated this fact to Cañedo, and was informed that Cañedo was in sympathy with his desires. Cañedo also informed him as to the procedure he would advocate. The plan as outlined to Treat was as follows: A special cabinet meeting was to be held, when an effort would be made to pass the question along to the Council of the Government. If the Council recommended any action, the cabinet was to pass the matter along to the legislature for their action, where it was hoped that authorization would be given to treat with Texas.[48]

This procedure was followed exactly. On May 5 the cabinet ordered that all the papers, documents, and correspondence be submitted to the "Council of Government" for their opinion, with the question: Whether the Council concurred with the cabinet in their resolution to ask Congress for special powers to negotiate an amicable arrangement with the Government of Texas.[49] The mat-

[46]Treat to Lamar, February 1, 1840, Garrison, *Dip. Cor. Tex.*, II, 540.
[47]Garrison, *Dip. Cor. Tex.*, II, 592.
[48]Treat to Lamar, April 21, 1840. Garrison, *Dip. Cor. Tex.*, II, 606.
[49]Treat to Lamar, May 7, 1840. Garrison, *Dip. Cor. Tex.*, II, 634.

ter went to the Council, which on May 12 voted down by a vote of five to four the unanimous recommendation of a committee of the Council that the views of the cabinet be adopted. This was due to the influence of Gorostiza, Treat thought, who was a friend of Santa Anna and an opponent of the existing government. He announced his purpose of attempting to secure the submission of the whole question to Congress without recommendation. "I think that my efforts," he wrote,

and those of some friends will prove Successful, as I am assured that whatever may be the range and tenor of the report, it will be such as will Square with the Resolution that will be proposed, viz: To transmit the whole Subject, without expressing an opinion themselves, to the consideration of Congress. With this, and some other timely measures, I think I can expect the result promised.[50]

The papers were submitted to Congress on July 3 for discussion, but on the night of the 14th one of the periodical revolutions in the Capital broke out and prevented their consideration.[51]

Lamar was becoming impatient at the delay in accomplishing any definite results. The threatening proclamations of the Centralist commander in Coahuila, General Arista, and the manifest efforts of the Mexicans to stir up the Indians made it difficult for the Government to restrain public sentiment which demanded a coalition with the Federalists. On March 27 Treat had notified the Texan Government that he had formally laid before the Mexican Government a proposal for peace. In response to that letter, May 7, 1840, the Texas secretary of state, Abner S. Lipscomb, wrote as follows:

The President has directed me to instruct you, that if after the reception of your credentials, you can obtain no decisively favorable answer to your overtures for peace, that you will withdraw from your Agency. Should this be the result, you are instructed to make known to the Minister of Her Britanic Majesty in Mexico, that should this Government be constrained to change its position and commence offensive operations, it will not be with a view of extending our territory, beyond the *Rio Grande* and any occupation or military movement west of that River, will be temporary and solely with the view of forcing the enemy to make peace.[52]

[50]*Ibid.* to *Ibid.*, May 28, 1840, *Ibid.*, II, 636.
[51]*Ibid.*, II, 669; 670.
[52]Lipscomb to Treat, May 7, 1840. Garrison, *Dip. Cor. Tex.*, II, 635.

In June Lamar determined to send the Texas navy on a cruise in the Gulf. This was due to the threat of a blockade of the ports of Texas by the Mexicans, who were supposed to have secured a navy in England, to the desire of Lamar to establish communications with the Federalists of Yucatan and Tabasco, who had seemingly made good their secession from Mexico, and to communicate with Treat, who was expected to have completed his mission by that time. The commander of the navy, E. W. Moore, was instructed to proceed to some safe anchorage off Vera Cruz and send in the dispatches for Pakenham. He was to cause one of his vessels to stand off Point Maria-Andrea for thirteen days to receive any communication that might be sent by Treat. If he should receive notice that Treat had failed in his mission, he was instructed to cruise against the Mexican vessels and make prizes of them. He was not to commence hostilities until Treat had notified him of the failure of negotiations, but if attacked, he was to defend himself. Finally, he was to endeavor to ascertain the condition of the state of Yucatan, and the disposition of the functionaries administering the Government, "whether friendly or otherwise to us, any manifestation of friendship from them you will reciprocate."[53]

With Moore went a letter to Treat from the secretary of state in which he again called attention to the conduct of the Mexicans on the frontier and denounced the conspiracies of the Mexicans with the Indians. Lipscomb instructed Treat to inform the Texan Government as to the length of time necessary to come to some conclusion. He was also to inform the Mexican Government that Texas had about reached a decision to begin hostilities if no treaty were possible. "It would perhaps," he wrote,

> be well for you to urge upon Mexico the moderation of this Government in not co-operating (thus far) with the Federalists on the Rio Grande as she has been strongly urged to do, and might have done with great benefit to herself and detriment to Mexico, that it is a forbearance we cannot practice much longer, lest we loose all the advantages which such a co-operation would give us, without gaining any thing from the Central Government of Mexico. The Federalists are still sanguine of Success, and unremitting in their overtures to us, to make a Common Cause in making war on

[53]Lamar to Moore, June 20, 1840. Garrison, *Dip. Cor. Tex.*, II, 651-652.

the Centralists, and in return, would grant every thing we could reasonably ask of them.[54]

This letter did not reach Treat until August 13. He had already, after the revolution in the Capital in July, communicated to the foreign minister Lamar's instructions of May 7, stating that he was under the necessity of hastening negotiations, and receiving a promise of immediate consideration from Cañedo. On August 21 he communicated a long memorandum in which he called attention to the various complaints against Mexico, and urged an immediate consideration of his mission. This receiving no consideration, on September 5 he addressed another letter to the secretary of foreign affairs, stating that if some official or formal assurance of the final determination of the Government with regard to his mission by the 18th, "which may satisfy him of the actual intentions of the Government to enter forthwith upon an amicable Negotiation" were not received, he would be compelled to ask for his passports and withdraw from his mission.[55]

Receiving no response of any kind to this memorandum, Treat on September 21 addressed a note to Cañedo requesting his passports. While waiting for his passports, Pakenham suggested to Cañedo that the only way to avoid a conflict with Texas was to arrange an armistice. Cañedo agreed that if Treat had authority to agree to an armistice, his Government would receive his proposals and act promptly upon them, or, at least, so Pakenham understood. Treat agreed to receive any proposals the Mexican Government might offer. He did, however, draw up a draft of an armistice which he authorized Pakenham to put before the Mexican Government. The plan called for a cessation of hostilities for three or four years, and six months notice were to be given before renewing hostilities. The virtual recognition of the Rio Grande as a boundary was contained in an article requiring any Mexican forces to the east of the river to pass to the other side.[56] On September 29 Cañedo sent Treat's passports by Pakenham without mentioning the matter of the armistice, and Cañedo quit office the following day. Almonte, the strong man of the cabinet, assured Pakenham that he favored an armistice and would

[54]Lipscomb to Treat, June 13, 1840. Garrison, *Dip. Cor. Tex.*, II, 645.

[55]Garrison, *Dip. Cor. Tex.*, II, 675; 688; 700.

[56]Treat to Lipscomb, September 29, 1840. Garrison, *Dip. Cor. Tex.*, II, 705, 707, 708.

use his influence to bring it about, so Treat determined to wait eight days longer before leaving the country.

On October 15, 1840, Pakenham informed Treat that the Mexican Government refused to entertain any proposal for an armistice which should not be presented with the previous sanction of the Texan authorities; and that in no case could they consent to a provisional line of demarcation to the south of the San Antonio river. Pakenham stated that he had reluctantly come to the conclusion that nothing could be gained by further overtures to the Government.[57] On account of ill health Treat was forced to remain in Mexico until some time in November, when he embarked on one of the Texan vessels for Galveston. He had been in bad health at various times during his stay in Mexico, and was handicapped in his negotiations on that account. He died on his way to Texas on board ship, November 30, 1840, so we do not have the benefit of his official report summing up the results of his mission, or giving suggestions for the future conduct of Texas. His reports to the Texas authorities were full, however, and make plain the chief Mexican traits of double dealing and procrastination. The following letter from Pakenham to Treat on the eve of his departure for Texas gives a summary from an impartial witness of the main facts connected with Treat's mission:

> The Passport issued in conformity with your request accompanied Senor Cañedo's note; but you will perceive that he declines to enter into the explanation solicited by you respecting the transactions connected with your Mission, the fruitless issue of which he attributes to your not having confined your propositions to the basis originally put forth by this Government viz: "That Mexico would not consent to relinquish the sovereignty of the Territory of Texas."
>
> It is true that in Senor Cañedo's letter of the 11th. Decr. 1839, a copy of which I transmitted at the time to Gen. Hamilton, and of the contents of which you are also informed, the non-alienation of sovereignty was stated to be an indispensable condition to any arrangement; but it is no less true that the introductory propositions, presented by you on the 23rd. March last, went directly to solicit the recognition of the independence of Texas, with such boundaries as might hereafter be agreed upon—that this proposition, so far from having been at once rejected by the Mexican Government as inadmissable, was referred to the Council of State, where the whole question with regard to Texas was made the sub-

[57]Garrison, *Dip. Cor. Tex.*, 726.

ject of more than one anxious discussion—and finally that in conformity with the resolution of the Council the correspondence which had passed between Senor Cañedo and myself, relative to your Mission and the proposition presented by you, were submitted to the consideration of the Congress, where, however, the matter appears to have remained altogether unnoticed.

It is therefore certain that the propositions submitted by you, although not confined to the basis originally announced by Señor Cañedo, were to all intents and purposes entertained by the Executive branch of the Government, and not, as Señor Cañedo would wish to have it inferred, rejected *in limine* because they went beyond the basis at first propounded by the Mexican Government.[58]

The news of the failure of Treat's mission came early in December, and President Lamar recommended to Congress the provision for a force sufficient to compel Mexico to acknowledge the independence of Texas. In the House a resolution was passed instructing the committee on military affairs to inquire into the expediency of authorizing the President to raise and equip five thousand men to invade Mexico and compel her to recognize independence. The men were to equip themselves and to have the spoils which they might take, and each was to be entitled to a league and labor of land, and further pay in land which might be taken on the west side of the Rio Grande.[59] On December 5 the Senate sent word that they had appointed a committee to act with the House committee to consider the expediency of a war with Mexico.

At this juncture President Lamar became seriously ill, and on December 12 he petitioned Congress for and received leave of absence to go to New Orleans for treatment. David G. Burnet, the Vice-President, became Acting-President, and continued to urge preparations for an offensive against Mexico. On December 19 he sent to Congress the information that Treat had died on his way to Texas, and that the mission had failed. In spite of the efforts of Burnet to secure the co-operation of Congress, nothing was done save to authorize the employing of three companies of spies.[60] On January 12, 1841, a select committee of the House brought in a report pointing out the poverty of the Republic, and advising against offensive war against Mexico. At the same time,

[58] *Ibid.*, II, 724.

[59] 5 Tex. Cong., 1 Sess., *House Journal*, 181-182.

[60] 5 Tex. Cong., 1 Sess., *House Journal*, 347.

they advised that Texas be put in a state of defense against invasion.[61] The whole matter ended by the two Houses failing to agree on the appropriation bill for the regular army, so even that instrument of defense was left without means of support, and was shortly after disbanded.

About the time Treat began his negotiations in Mexico, James Hamilton, who had already been in Europe on a mission for Texas, was appointed a commissioner to secure a loan of five million dollars in Europe. He was to miss no opportunity of securing pacification with Mexico, and was authorized to enter into any treaty of amity, commerce and boundaries with Mexico, using money already agreed upon by Congress and the President in settlement of the claims of Mexican bondholders, with whom he was empowered to enter into an agreement. After numerous delays Hamilton arrived in London on September 27, 1840. He found no possible chance of treating with Mexico at that place. On November 13, 1840, he entered into a treaty of amity, commerce, and navigation with Great Britain, which carried with it recognition of Texan independence.[62] The following day he signed a convention providing for British mediation with Mexico. By this convention Texas agreed that if by means of the mediation of Great Britain, an unlimited truce should be established between Mexico and Texas within thirty days after notice of the convention was communicated to Mexico, and if within six months thereafter Mexico should have concluded a treaty of peace with Texas, then the Republic of Texas would take over five million dollars of Mexican bonds.[63]

These two treaties arrived in Texas and were communicated to the Senate on January 25, 1841, and promptly ratified.[64] As a result of this, hoping that a recognition of Texan independence by Great Britain and a formal convention providing for mediation would influence the attitude of the Mexican government, Lamar determined to send a third mission to Mexico, and this time his choice fell upon James Webb, who had succeeded Bee as secretary of state in February, 1839, and was at that time attorney-general. Lamar was absent from the seat of government when these treaties were ratified, and while unsuccessful efforts were being made to

[61] *Ibid.*, 473.
[62] Gammel, *Laws of Texas*, II, 880-885.
[63] *Ibid.*, II, 886; *British and Foreign State Papers*, XXIX, 84.
[64] *Secret Journals of the Senate*, 195.

secure the authorization of a force for offensive operations against Mexico. He returned about the middle of February and immediately began making preparations for sending the mission.

Webb's commission was dated March 22, 1841. Webb was appointed a minister plenipotentiary, but in case he should not be received an alternative commission was prepared appointing him an agent for the purpose of entering into negotiations. The instructions were similar to those of the preceding agents, the only difference being a reference to the convention with Great Britain providing for mediation. A naval vessel was placed at his disposal, and he was to proceed at once to Vera Cruz, but if Mexico showed no indications that she wished to begin negotiations he was to terminate his mission at once.[65] The usual delay took place, and Webb did not arrive off Vera Cruz until May 31, when he addressed a note to the commandant at Vera Cruz asking permission to land, and that he be furnished with passports to proceed to the city of Mexico. This request was courteously refused.[66]

Upon the refusal of the commandant to allow him to land, Webb addressed a note to Pakenham requesting his intervention with the Mexican authorities.[67] Pakenham was so good as to comply with the request, and wrote to the secretary of state urging that an effort be made to come to agreement with the Texan authorities. The secretary of state responded on June 8, declining to consider any proposal which looked to the dismemberment of Mexico. After expressing appreciation for the friendly interest of the British government, Camacho declared that the President could not depart from the principles of honor and justice which prohibited him from recognizing a dismemberment of the territory.[68] Webb returned to Galveston June 29, and reported his failure to Lamar. Upon receipt of this information, Lamar took immediate steps to enter into an alliance with Yucatan in an offensive war against Mexico.

[65]Garrison, *Dip. Cor. Tex.*, 733-736.

[66]Webb to Mora and Mora to Webb, May 31, 1841, Garrison, *Dip. Cor. Tex.*, II, 752-753.

[67]Webb to Pakenham, June 1, 1841, *Ibid.*, II, 755.

[68]Camacho to Pakenham, June 8, 1841, (Translation) *Dip. Cor. Tex.*, II, 758.

2. The Federalists and the Alliance with Yucatan

The relations of the Texans with the Federalists on the Rio Grande, the battle of Alcantro, in which a number of Texans participated, and the proclamation of Lamar on December 21, 1839, warning Texans against participating with the Federalists against the Central Government have been noted. That the Government of Texas was really neutral, while perhaps sympathizing with the Federalists, there can be no doubt. In order to get the proclamation of neutrality to the Texans in the Federalist army, the assistant adjutant general, Colonel Benjamin H. Johnson, accompanied by a small body of troops, was sent across the Rio Grande to the Federalist camp, and communicated the sentiments of the Government to the Texans assembled there. On his return he was captured by a body of Mexicans, and he and his party were put to death. In spite of this, however, the Texan authorities refused to begin active hostilities. It was used as another count against Mexico, however, and given as an instance of the desire of Texas to avoid war. Writing to Treat in Mexico City regarding this incident, Burnet said:

> This is an event not calculated to assuage the feelings of a people already provoked by unwarranted and unchristian massacres, or to soften the rigors of the war should it be actively renewed. But inasmuch as this atrocity is reported to have been perpetrated by a desultory band of ruffiens without the express authority of the Government, the President will not regard it as an insuperable obstacle to the proposed negotiation. But it may be considered as an infallible assurance, that if hostilities are to continue, they will be conducted with increased animation by an indignant people who know how to avenge a wrong which they would never commit.[69]

Notwithstanding the public sentiment in favor of joint action with the Federalists, and the participation of a good number of Texans in their campaigns, the attitude of the Government remained perfectly correct. The experiences of the Texans who ignored the advice of their Government was ample justification for the Government's position.[70]

[69]Burnet to Treat, March 12, 1840, Garrison, *Dip. Cor. Tex.*, II, 582.

[70]Yoakum, *History of Texas*, II, 288-299, and Bancroft, *North Mexican States and Texas*, II, 326-332, give a full account of the "Republic of the Rio Grande," the Federalist campaigns of 1840, and their final betrayal of the Texans who were aiding them. I shall not follow in detail the cam-

The most successful of these liberal movements broke out in Yucatan in May, 1839. The weakness of the Government of Mexico, and the remoteness of Yucatan from the capital, made it impossible to take adequate steps to reduce her to submission. By the beginning of the following year the revolutionists were in complete control of Yucatan, and the movement had spread into Tobasco and Campeche. Treat kept his Government informed of the developments there as he learned of them, suggesting the possibility of joint action by Texas and Yucatan in case of the failure of his mission. In June, 1840, Commodore Moore was sent with the fleet to carry dispatches to Treat. While he was to be careful to observe strict neutrality and not to attack any Mexican vessel unless he learned that Treat's mission had failed, he was to "endeavour to ascertain the condition of the State of Yucatan, and the disposition of those functionaries administering their Government, whether friendly or otherwise to us, any manifestation of friendship from them you will reciprocate."[71]

Moore left Galveston in June, immediately after receiving his orders, and considering the most important of his instructions the discovery of the attitude of Yucatan, he dispatched the letters for Treat and Pakenham in the schooner *San Jacinto,* while he continued direct to Yucatan, arriving at Sisal on July 31. He was received with every favor by the authorities. After a short time at Sisal he sailed to Campeche, where he found General Anaya and had a friendly conference with him. He returned to Sisal shortly after, and had an interview with the governor-elect, San tiago Mendez, who informed him that "he was anxious that the most friendly relations should be established at an early period, and assured me that the ports of the State of Yucatan were open to any Texan vessel. . . ."[72] On the same day that he reported these movements to the secretary of the navy, August 28, 1840, Moore addressed a letter to President Lamar in which he urged the policy of active warfare. He wrote in part as follows:

paigns. The statement of Von Holst that Lamar recognized the "Republic of the Rio Grande," is absurd. He allowed Canales an asylum in Texas when he was defeated, but he certainly did not recognize any claim of the Mexicans to territory east of the Rio Grande.

[71]Lamar to Moore, June 20, 1840, Garrison, *Dip. Cor. Tex.*, II, 652.

[72]Moore to Secretary of the Navy, August 28, 1840, 5 Tex. Cong., 1 Sess., Appendix, 232-237, *House Journal.*

By reference to my report you will see the disposition of the Federalists of Yucatan towards the Government of Texas and their anxiety for the cooperation of our Naval force; the weight of which, thrown at this time on their side would, I feel confident, be the means of establishing the Federal Constitution throughout Mexico, when we would be acknowledged at once.

The Centralists are allmost prostrate, and single handed with the means already at your Command [the Navy] you might, without the least prospect of being molested by them on the Frontier, dictate to, and no longer *ask* at their hands, that which they can be very soon made to *feel* is ours already, viz our perfect Independence of them; and in my humble opinion they will never acknowledge it until they are made to *feel* it.

With the Navy manned as indifferently as it is, every Mexican can be captured that dare put to sea, and their whole Sea Coast be kept in a perfect state of fear and trembling; why then should we temporize any longer with them, when, if they had the power they would annihilate every male Inhabitant of Texas and spread devastation and ruin throughout our devoted Country.

You may keep *Treating* with them until the expiration of your administration and will, in all probability leave for your successor, whoever he may be, to reap all the advantages of your efforts: now is the time to push them for they never were so prostrate.[73]

The fleet returned to Galveston in April, 1841.[74] Before that Lamar had determined to send the third peace mission to Mexico, the details of which I have just related. That the possibility of an alliance with Yucatan in case of failure was already a part of his policy, is indicated by the alternative instructions to Webb. "If you are not permitted to open negotiations with the Government of Mexico," said the instructions,

or having opened them, should find it necessary to discontinue them, without any beneficial results, you will after notifying this Government of the fact be at liberty, to return by the way of Yucatan and ascertain what part the Government of that country would be willing to take in a war which Texas might be compelled to wage against Mexico. In doing this however it is only expected that you will sound the people of Yucatan on the subject as you are not furnished with authority to enter into any treaty stipulations, but you may suggest to the authorities the propriety of sending an agent to this Government with full powers to treat

[73]Moore to Lamar, August 28, 1840, Garrison, *Dip. Cor. Tex.*, II, 695.

[74]For a full history of the cruise of the fleet in 1840-1841, and the activities under the alliance with Yucatan, see Dienst "The Navy of the Republic of Texas," in THE QUARTERLY, XIII, 18-43.

and you may give them assurances of our friendship and willingness to receive such an agent. . . .[75]

In June, 1841, Yucatan, which had so far been fighting for the restoration of the Constitution of 1824, declared her independence from Mexico. Webb learned of this while waiting to be admitted to Mexico, and although an accident to his vessel prevented him from returning by way of Yucatan, yet he had learned enough to cause him to urge an immediate treaty of alliance and opening of hostilities with Mexico. "Let Texas enter into arrangements at once, with Yucatan and Tobasco," he wrote,

and each party mutually recognize the Independence of the other, and then let them conjointly renew and prosecute the War untill the Central Government shall be forced into terms, or put down beyond the hope of resuscitation. In renewing the War conjointly with Yucatan and Tobasco, Texas would only be expected to furnish her Navy,—the whole of the land operations to be carried on by the Federalists, and by which means we would be saved the entire expense of keeping an army in the field. . . .

The Federalists of Yucatan and Tobasco have now everything that is necessary to carry on the War successfully, but a Navy, and they want no assistance from us but such as the Navy would afford. Without a Navy they can make no effectual impression upon the Sea ports, and that is the most essential object to be obtained; because it is through the sea ports and the revenue derived from their Commerce that the Government is sustained—take away that, and you cut off all their resources and render them hopelessly imbecile. Hence the great anxiety of the Federalists to make terms with us, because they believe with our assistance in taking their ports, they can immediately bring the Central party down. . . .[76]

This letter was received on July 5, and on the seventh Samuel A. Roberts, acting secretary of state, wrote to Webb as follows:

Your Communication . . . was received two days ago, and it, together with the accompanying documents, was immediately laid before the President, and he considers the questions involved of such magnitude as to determine him to go at once in person to Galveston, where he can best determine what will, under all the Circumstances, be most proper to be done. He will accordingly

[75]Mayfield to Webb, March 22, 1841, Garrison, *Dip. Cor. Tex.*, II, 735.
[76]Webb to Lamar, June 29, 1841, Garrison, *Dip. Cor. Tex.*, II, 764.

leave here in the morning, and will probably be not more than one day behind Mr. Moore on his arrival at Galveston.[77]

On July 20, 1841, Lamar addressed a letter to the Governor of the State of Yucatan, and as there has been some question as to who took the initiative in the alliance, I shall quote the letter in full. It is as follows:

In reading over the Correspondence of Commodore Moore while commanding the Texan squadron on its late Cruise in the Gulf of Mexico, I have experienced the most sincere and lively Gratification in discovering the many evidences it affords of the kind and friendly sentiments entertained by the Authorities of the State of Yucatan toward the Government and people of Texas; and I now beg leave to assure you sir, that every expression of friendship and regard which has been uttered in your State towards us is most cordially and sincerely reciprocated on our part.

It has been my earnest desire to establish with the States of Yucatan, Tobasco and such others as may throw off the Yoke of Central despotism in Mexico, relations of amity and friendship, and to show the disposition of this Government to reciprocate in the fullest manner, every evidence of good will manifested by the Federalists of Mexico towards this country, I hereby have the pleasure of declaring to you, and of making known to your Citizens, that the Ports of Texas are open to the vessels and Commerce of Yucatan upon the same terms as we extend to the most favored nations, and that this Govt. will require of its Citizens the faithful performance of all contracts, obligations, or compromises which they may enter into with the citizens and subjects of Yucatan.

Should it be the desire of your Excellency and of the Congress of Yucatan to enter into more permanent and specific relations of Amity friendship and Commerce with the Government and people of Texas, I have only to assure you that we shall be happy to receive from you, an agent duly accredited for that purpose; and that we will be prepared to enter into such negotiations and arrangements with him, as will be mutually beneficial, and result in securing a full and complete acknowledgment of the respective rights of both Countries from those who are now our enemies.[78]

The Governor of Yucatan, Miguel Barbachano, made a prompt response to this letter, and immediately sent a commissioner, Martin Francisco Peraza, fully authorized to treat with Texas on all

[77]Garrison, *Dip. Cor. Tex.*, II, 766.

[78]Lamar to Governor of Yucatan, July 20, 1841, Garrison, *Dip. Cor. Tex.*, II, 792.

points. Peraza with his secretary, Donaciano Rejon, arrived in Austin on September 11. On September 16 he submitted a proposal to the Texan Government, which with a slight amendment was the plan adopted. By this agreement Yucatan was to pay eight thousand dollars to the Texan authorities for the purpose of getting the fleet ready for sea, and eight thousand dollars per month so long as the government should deem it necessary for the squadron to remain in active service. All captures made by the Texan vessels were to be taken into Texas ports for adjudication, and all captured by Yucatan vessels were to be taken into the ports of Yucatan. Peraza had suggested that the prizes be divided equally, but as the Texas navy was much stronger, and could be depended upon to do the greater part of the fighting, Lamar refused to grant that, and the arrangement was agreed to as stated.[79]

On September 18, 1841, Commodore Moore was ordered to fit and provision his ships for the sea. This required about two months, and on December 13 he sailed from Galveston under sealed orders. Outside of Galveston Bar he opened his secret orders and found that he was to sail direct for Sisal in the State of Yucatan, and to cooperate with the sea and land forces of Yucatan in checking any hostile action of Mexico. He was instructed to capture Mexican towns and levy contributions; and for the purpose of compelling payment, he was authorized to destroy public works and edifices, and seize public property, taking care not to molest private property except in the execution of duty. It was hoped that these acts would "strike terror among the inhabitants, which may be very useful to us should it again be thought advisable to enter into negotiations for peace."[80]

Moore arrived in Sisal on January 8, 1842, and found to his disappointment that a convention had been signed between Yucatan and Mexico on December 28, 1841, the basis of which was a return of Yucatan to her allegiance to Mexico. He complained of the apparent breach of faith on the part of the Yucatan Government, but was informed that no promise had been made by

[79]For the provisions of the agreement see Moore, *To the People of Texas*, 15-19. This agreement being in the nature of a military convention was not submitted to Congress, hence it is not to be found in a collection of treaties.

[80]Moore, *To the People of Texas*, 13-15.

Yucatan as to her action in that regard.[81] The Yucatan Government continued to pay the eight thousand dollars monthly, but on March 29, notice was served on Moore that the Yucatan Government was willing for the squadron to retire. After a mild protest, Moore departed from the Yucatan coast in the latter part of April, and arrived in Galveston on May 1, 1842.[82]

Lamar's term of office closed on December 12, the day before Moore sailed from Galveston, and Sam Houston began his second term in the presidency. Condemning without discrimination everything that Lamar did, Houston repudiated the contract with Yucatan, and on December 15 issued orders for the return of the fleet to Galveston. From some peculiar cause this order did not reach Moore until March 10, when it was too late to accomplish its purpose. In a speech in the United States Senate, March 15, 1854, in denunciation of Moore, Houston said with regard to the convention with Yucatan, "This was done without any authority or sanction of Congress or Senate of the Republic of Texas. It was a mere act of grace or will on the part of the President." This might be answered by saying that Texas and Mexico were still technically at war, and it is hard to see how it was necessary for the President to submit a military convention to the consideration of Congress.[83]

3. Relations with the United States

It has been seen that Lamar had a definite policy towards Mexico; but it cannot be said that he had any specific policy towards the United States differing from that of his predecessor or successors. The first years of the republic of Texas were taken up with the importunings of the Texan agents for admission to the United States, either as a state or a territory, or almost on any terms that the United States might lay down, all of which the United States declined with little ceremony. While it is probable that public sentiment with regard to annexation was not materially changed in Texas when the offer of annexation was withdrawn in October, 1838, it is certain that at the time the new president approved the withdrawal of the offer, which, as he said,

[81]Moore, *To the People of Texas*, 26-29. See also Rejon to Texan Secretary of State, January 18, 1842, Garrison, *Dip. Cor. Tex.*, II, 799-802.

[82]Moore, *To the People of Texas*, 53-58.

[83]*Cong. Globe*, 33 Cong., 1 Sess., App., 1081.

he had never seen the benefit of. "Notwithstanding the almost undivided voice of my fellow-citizens at one time in favor of the measure," said Lamar in his inaugural address in December, 1838,

> and notwithstanding the decision of the National Congress at its last session, inhibiting the chief magistrate from withdrawing the proposition at the Cabinet of Washington, yet still I have never been able myself to perceive the policy of the desired connection, or discover in it any advantage, either civil, political, or commercial, which could possibly result to Texas. But, on the contrary, a long train of consequences of the most appalling character and magnitude have never failed to present themselves whenever I have entertained the subject, and forced upon my mind the unwelcome conviction that the step once taken would produce a lasting regret, and ultimately prove as disastrous to our liberty and hopes as the triumphant sword of the enemy. And I say this from no irreverence to the character and institutions of my native country—whose welfare I have ever desired, and do still desire above my individual happiness—but a deep and abiding gratitude to the people of Texas, as well as a fervent devotion to those sacred principles of government whose defence invited me to this country, compel me to say that, however strong may be my attachment to the parent land, the land of my adoption must claim my highest allegiance and affection.

The key to this opposition is found in what follows. Texas would yield up the right of declaring war or making peace, of controlling the Indian tribes within her borders, of appropriating the public domain for the benefit of education, of levying her own taxes, regulating her own commerce, and forming her own alliances and treaties. Besides, as an independent republic, Texas would adopt free trade, and not be bound by the "thralldom of tariff restrictions" found in the United States. Concluding this phase of his address, he said:

> When I reflect upon these vast and momentous consequences, so fatal to liberty on the one hand, and so fraught with happiness and glory on the other, I cannot regard the annexation of Texas to the American Union in any other light than as the grave of all her hopes of happiness and greatness; and if, contrary to the present aspect of affairs, the amalgamation shall ever hereafter take place, I shall feel that the blood of our martyred heroes had been shed in vain—that we had riven the chains of Mexican despotism only to fetter our country with indissoluble bonds, and that a young republic just rising into high distinction among the

nations of the earth had been swallowed up and lost, like a proud bark in a devouring vortex.[84]

Allowing for his love for high sounding phrases, and for his justifiable objection to the termination of the existence of the republic over which he had just come to preside as chief executive, it is perfectly obvious that Lamar was at that time strongly opposed to annexation; and this opposition of the President, together with the lack of interest in the question in the United States, caused the annexation question to lie dormant throughout Lamar's administration. With this out of the way the main things to interest the two countries were the settlement of the boundary, the border Indians, and commercial relations.

The settlement of the boundary between Texas and the United States has been adequately treated elsewhere,[85] and I shall do no more than outline it here. The statutory boundary as claimed by Texas was the line as defined in the treaty of 1819 between the United States and Spain. The line had not been surveyed when Texas made good her independence and adopted this line as her eastern boundary. Naturally there was considerable confusion, especially on account of Indian incursions from the United States. A controversy was precipitated with the United States shortly after the beginning of Houston's administration by the passage of a law creating land offices, and including in their jurisdiction a part of the territory claimed by the United States.[86] This law was inoperative, because the time when it should go into operation was not fixed. A supplementary act was passed June 12 providing that the act should go into effect on October 1.[87] The possible incursions of Texans into land claimed by Arkansas brought a protest from the governor of Arkansas, which was taken up by the secretary of state of the United States, Forsyth, and presented to the chargé d'affaires of Texas as a protest from the United States.[88]

On the same day that the law was passed providing that the land offices should begin work on October 1, another law was passed providing for the appointment of commissioners to run the

[84] *Lamar Papers*, No. 361; *Senate Journal*, 3 Tex. Cong., 1 Sess.
[85] Marshall, *Western Boundary of the Louisiana Purchase*, 206-241.
[86] December 22, 1836. Gammel, *Laws of Texas*, I, 1276-1284.
[87] *Ibid.*, 1322-1326.
[88] Forsyth to Catlett, June 17, 1837, *Dip. Cor. Tex.*, I, 230.

boundary line.[89] Before the Texan chargé had received notice of this act, however, he had already urged the United States authorities to appoint a commissioner for running the boundary line.[90] Without attempting to follow the negotiations in detail, it is sufficient to say that after long delay and the presentation of claims and counter claims the Texan minister, Memucan Hunt, on April 28, 1838, signed a convention for running the boundary line.[91] Ratifications were not exchanged until October 12, so the carrying out the convention devolved on the Lamar administration.[92]

There was delay on both sides in appointing commissioners and providing for their needs, and it was not until August, 1839, that the joint commission met in New Orleans, when, on account of the prevalence of yellow fever, and the hostility of the border Indians, the commissioners decided to postpone the beginning of the work until October 15. They did not assemble again until November 12, when they went into camp at Green's Bluff on the Sabine about thirty-five miles from its mouth. They were joined by the Texan commissioner, Memucan Hunt, on January 20, 1840, but the Texans lacked instruments, so there was another delay in beginning. While waiting for instruments for the Texans the commissioners with much difficulty came to a decision as to the method to be pursued under the Treaty of 1819 and the convention of 1838. On May 21, 1840, the survey actually began, the Texans conceding that Sabine gulf should be considered a part of Sabine river, and consenting to the boundary along the western side of that stream.[93] Work was interrupted on June 3, and it was not until February 14, 1841, that the commissioners assembled to renew work, and not until June 24, 1841, that the work was completed.

There was always an Indian question between the two governments. After the recognition of Texan independence by the United States, the treaty of 1831 between the United States and Mexico was considered as binding on Texas and the United States. Periodically the Texas government sent complaints to the United States that efforts were being made to stir up the United States Indians

[89]Gammel, *Laws of Texas*, I, 1331.
[90]Catlett to Anderson, June 17, 1837, *Dip. Cor. Tex.*, I, 229.
[91]Hunt to Irion, April 28, 1838, *Dip. Cor. Tex.*, I, 325-326.
[92]Malloy, *Treaties, Conventions, etc.*, II, 1779.
[93]Marshall, *Western Boundary of the Louisiana Purchase*, 230-235.

to act with their neighbors in Texas, and as often the authorities of the United States responded, usually courteously, but sometimes coolly, saying they would investigate, and always the result of their investigation was to show that the Texan fears were without foundation. This procedure had its beginning in the summer of 1836, when Gaines was urged to send forces into Texas for the purpose of keeping the Indians quiet; and ever after that in case of a threat of Indian war, or after any atrocities committed by the Indians as individuals or in small groups, the customary complaint was registered, and the customary answer returned.

The administration of Lamar was not different from any other period of the history of the republic in this respect, and an adequate discussion would require too full a consideration of the whole Indian question for the purposes of this paper. I shall touch on the Indian question only incidentally as I discuss the efforts on the part of Texas to abrogate the Treaty of 1831 and form a new treaty with the United States.

On February 17, 1838, the comptroller of the treasury of the United States issued a circular, in part as follows:

> Referring to the circular from this office, of the 2nd. instant, I have to communicate for your Government that, by information received from the Department of State, it appears the fifth and sixth articles of the treaty with Mexico are held obligatory on the Republic of Texas. It results, therefore, that the vessels and productions of the latter, being placed on equal footing in carrying on its commercial intercourse with the United States, are to be treated with reciprocal favour, and enjoy the like privileges and exemptions that are extended to the productions and vessels of Mexico.[94]

This order was communicated to the Texan secretary of state on March 23, and on the 26th was answered by John Birdsall, stating that

> While the undersigned assures Mr. La Branche of the earnest desire of this Republic to cultivate the most friendly intercourse with the United States, and especially upon those principles of equality and reciprocal favour which should always characterise the commercial relations of friendly States, he cannot yield his assent to the proposition that the commercial stipulations of the treaty with Mexico are obligatory upon the Government of this Republic.

[94] *Dip. Cor. Tex.*, I, 313, 314.

The events of our Revolution, the great changes in territorial and political organization incident to it, necessarily make the application of the treaty, to the new order of things, a question of mere expediancy addressed to the discretion and reciprocal interests of the two countries.

Not doubting however that the measures of this Government will meet the expectations of the United States, in regard to the commercial intercourse between them, The undersigned will lay before the President who is yet absent, the note of Mr La Branche, and the accompanying Circular at the earliest opportunity after his return, in order that this Government may take the necessary action upon the subject.[95]

That the arrangement proposed proved satisfactory to the President is to be presumed, as there was no further correspondence on the matter. The reservation of Birdsall was natural as the Texan minister was at that time trying to secure a commercial treaty with the United States, and it would have been unwise to prejudice the case by acknowledging without reservation that the Mexican treaty was binding. Besides, the notice of the application of the treaty to Texan vessels came from the treasury department of the United States and did not represent a joint agreement between Texan agents and agents of the United States; and it might have been considered beneath the dignity of Texas to accept this without reservation. This arrangement was put into effect without Texas ever conceding its binding nature, except when the United States was urged to restrain their Indians, and as there was no commercial treaty ever ratified between Texas and the United States, it continued to be the basis of trade between the two countries.

Notwithstanding the Texan authorities had early attempted to form commercial treaties with European countries, it was not until early in 1841 that steps were taken looking to the establishment of commercial arrangements with the United States. On February 17, the secretary of state wrote to Barnard E. Bee, Texan chargé d'affaires in Washington, announcing the receipt of a number of communications from Washington in relation to the construction of the treaty between the United States and Mexico, and the obligations of the United States under that treaty to restrain the border Indians from incursions into Texas. "The President instructs me to inform you," he wrote,

[95] *Ibid.*, 322.

that in all probability it will be the most advisable to defer for the present any further discussion of that subject: That you will avail yourself of the most favorable opportunity to suggest, to the Secretary of State of the United States the importance, and mutual advantages to be derived to the respective Governments by establishing more definitely our relations and intercourse by farther Treaty stipulations. Independent of the high commercial advantages consequent upon reciprocal Treaty obligations, the civil and criminal administration of the laws of the respective Governments would be very much facilitated by properly tempered regulations relative to fugitives from justice, and public defaulters.[96]

In December Lamar had obtained leave of absence on account of bad health, and at the time this letter was sent he was still away from the seat of government, convalescing at the home of Doctor Hoxie, at Independence, Texas. It seems that Mayfield had instructions from him before suggesting a general treaty with the United States. Some time about March 1, 1841, Lamar returned to the seat of government and took up his duties, and on March 22 Mayfield addressed another letter on the subject of negotiating a treaty.[97] In announcing the return of Lamar to Austin and the resumption of his duties, Mayfield wrote:

His views were known upon the subject of opening a negotiation with the Government of the United States: for forming a definite treaty of Amity, Commerce and Navigation; and embracing such other subjects as may mutually interest both Nations. It is the wish of the President that you should, without delay represent in the most respectful and urgent manner to the Government of the United States the importance of an early Negotiation relative to the several objects contained in my former note, in which the several matters now under consideration and discussion between the two Governments may be embraced, and definitely adjusted upon principles of entire reciprocity.

No specific plan was proposed for the reason that it was hoped that the negotiations would be held in Texas, and Bee was urged

[96]Mayfield to Bee, February 17, 1841, *Dip. Cor. Tex.*, II, 76.

[97]It is necessary to correct a false impression that several of the histories of Texas give. Yoakum, Bancroft, Thrall, Crane, Lester, Gouge, and others state that Lamar retired from the presidency, and that throughout the remainder of his term the office was administered by Burnet. Gouge is particularly caustic, referring to the financial and other failures, and saying Lamar did not have the courage to remain with his office after failure. Even a slight acquaintance with the newspapers and other records of the period should have made impossible this error.

to request that they be held there;[98] though some of the arguments Bee should advance for the beginning of negotiations were suggested, one of which was the settlement of the right of citizens of each country to carry their body servants with them when traveling in the country of the other. Another reason given was the necessity for coming to some agreement as to the meaning of the treaty of 1831 with regard to the control of the Indians.

By the treaty between Mexico and the United States in 1831, it was agreed that each country should take upon itself the duty of restraining the Indians from crossing the boundary and attacking the citizens of the other, even to the point of using force. The term used was the prevention of "incursions." The Texan government and the government of the United States developed diametrically opposite views with regard to the interpretation of this treaty. The Texan authorities interpreted it to mean that the United States government would prevent the peaceful emigration of United States Indians into Texas, and even went so far as to demand that the United States prevent the immigrant Indians, such as the Cherokees, Caddoes, and others from taking any part in Mexican conspiracies, or even to send a force to assist in ejecting them from Texas. The attitude of the United States was that the treaty meant that the United States would prevent any hostile incursions into the territory of Texas, or if unable to prevent the incursion, she would remunerate the Texas citizens for any loss sustained at the hands of Indian marauders.

The action of the United States government in sending military forces into Texas in the summer of 1836 with the ostensible purpose of keeping the Indians quiet, created a precedent on which the Texans attempted to act from this time forward. Every time an outbreak appeared imminent, the Texan authorities sent the documents proving the conspiracy, and requested some action. These documents were usually submitted to the secretary of war, who at this time was J. R. Poinsett, for investigation. The attitude of the United States government is expressed in a report of Poinsett to the secretary of state on July 18, 1839, after the Texan minister had laid before the secretary of state documents showing that the Mexicans were conspiring with the Cherokees against the Texans.[99] Poinsett wrote:

[98]Mayfield to Bee, March 22, 1841, *Dip. Cor. Tex.*, II, 77-78.

[99]I have discussed these Indian wars in Chapter IV, and shall not give

Having carefully examined the documents accompanying that communication [Mr. Dunlap's], I do not find any evidence of a disposition on the part of the Indians within the United States to make war upon the citizens of Texas. The letters of the Mexican authorities allude clearly to the Indians residing within the Texan territory; and the circular is addressed to chiefs who live without the limits of the United States.[100]

This position does not appear to have had a formal answer until December 15, 1840, when Bee in a letter to Forsyth called attention to additional atrocities, and took issue with the position of Poinsett. He claimed that as the Cherokees, Kickapoos, Delawares, Choctaws, Pottawatomies, Shawnees, and Caddoes had come to Texas from the United States without ever securing rights of settlement there, it was the duty of the United States to keep them quiet as well as those which still remained in the United States. Besides, he said, the Indians in the United States mingled indiscriminately with their kindred in Texas, and participated in the atrocities which were complained of. His contention was that the removal of any tribe of Indians into Texas without the permission of the Texan authorities, did not affect the duties of the United States under the treaty.[101]

The response of Forsyth to this communication, January 23, 1841, is what precipitated the demand of the Texan government for the abrogation of the treaty of 1831. He wrote that as usual with anything dealing with Indian affairs, Bee's communication had been submitted to the war department, and that as usual, the conclusion arrived at was, "that the Executive of the United States has no legal power to check or restrain by force the voluntary and peaceable migrations of Indians from the United States to any other country whatsoever." The sole object of the article in the treaty referred to, he said, was to make it the duty of the parties to do everything in their power towards preserving peace among the Indians on their frontiers, and preventing them from attacking the citizens of either party. He claimed that the United States had scrupulously carried out her part of the contract, and

more here than the international aspect. The documents referred to here were those showing the conspiracy of 1839, resulting in the expulsion of the Cherokees from Texas.

[100] *Senate Documents*, 32 Cong., 2 Sess., No. 14, p. 42.

[101] *Ibid.*, 52.

stood ready to continue to do so in case of proof that any United States Indians were making marauding expeditions into Texas.[102]

The death of President Harrison prevented the Texan legation from submitting the request of its government for a treaty until April 23, 1841. On that date Nathaniel Amory, secretary of legation, expressed verbally to Webster the desire of the Texan government to enter into a treaty covering the Indian question, commerce, and other matters at issue between the two governments, and also expressing the desire that negotiations be held in Austin. To the last proposal Webster interposed a negative, though he was non-committal as to the necessity for a treaty.[103] Before this interview took place a letter had gone forward on April 20, signed by the secretary of state, but apparently written by President Lamar, in which the whole Texan contention was defended strongly.

An interesting phase of the arguments used in this communication, which was characteristic of Lamar's methods, is the balancing of the benefits to the United States of the fifth and sixth articles against the duties assumed by the United States under the thirty-third article.[104] I shall quote at some length from this document, without pointing out the fallacies, to give some idea of the methods employed by Lamar. After mentioning the fact that the United States had seen fit in 1838 to adapt the treaty to Texas so far as commerce was concerned, and that Texas had acquiesced in that interpretation of international law, he continued:

> Under the Construction given by Mr. Forsyth to the 33rd article of the Treaty Texas would not be receiving an equivalent, for the sacrifices she suffers in her revenues; by allowing Vessels belonging to the United States to enter our Ports free of Tonnage duty. To arrive at a fair interpretation of that instrument the whole should be construed by its several parts and articles, by which means its true spirit and intention may be more accurately defined. It will be found that concessions, and privileges are contained in many of its clauses and provisions in many of its articles

[102] *Ibid.*, 55.

[103] Amory to Mayfield, April 23, 1841, *Dip. Cor. Tex.*, I, 489.

[104] Articles 5 and 6 of the treaty provided for complete reciprocal tonnage and other local dues, and that the same duties should be charged whether the goods were brought in Mexican or American vessels.

Article 33 provided "that the two contracting parties, shall by all means in their power maintain peace and harmony among the several Indian Nations who inhabit the land adjacent to the lines and rivers which form the boundaries of the two countries;" and it was stipulated that the necessary force would be employed to restrain all incursions on the part of

of which there cannot be found a sufficient guarantee or equivalent secured in the same article. This naturally arose from the relative strength, commerce, and political condition of the contracting parties at the time of making the Treaty, as will be seen by reference to the articles cited.

The United States at the time had an extended commerce, and heavy Shipping. Mexico on the contrary (and with but remote prospects of improvement) was limited in her commerce, and yet more in her shipping. The mutual guarantee then as to tonnage and other charges enumerated in the "5th and 6th" articles of the Treaty cannot be said to secure to Mexico an equivalent, as it was apparent and must for years Continue that the whole trade of Mexico with the United States upon the Gulf would be carried in American bottoms.

On the other hand, the United States was well established, with a strong standing army, an organized militia, and an overflowing treasury, and her contribution to this balanced document was a guarantee to protect Mexico from her Indian neighbors. But independent of those considerations, the United States was bound upon principles of justice aside from any treaty stipulations upon the subject, to guard the government of Mexico, her citizens or territory, from hostilities or incursions from those various tribes of Indians, which by her policy she was establishing on the immediate borders of the latter. He did not agree with Forsyth's interpretation of the thirty-third article, and insisted that the United States was obligated to use force to restrain her Indians from making incursions, either peaceful or otherwise, into Texas. Finally, since the United States refused to carry out the plain obligations of the thirty-third article, the minister was to announce to the American secretary of state that Texas had determined to terminate the stipulations of the fifth and sixth articles as provided for by the treaty.[105] These instructions were complied with on May 19, when the secretary of legation informed the American secretary of state that the treaty would terminate a year from that date.[106]

This elicited no response from the United States government, though there continued to be a one-sided correspondence on the subject thereafter. On September 15 Amory submitted a rough draft of a treaty as follows:

the Indians living within their respective boundaries. *Treaties and Conventions of the United States* (Malloy, ed.), I, 1085-1097.

[105]Mayfield to Bee, April 20, 1841, *Dip. Cor. Tex.*, II, 82-86.

[106]Amory to Webster, May 19, 1841, *Dip. Cor. Tex.*, I, 496.

Article 1: On commerce and navigation. To be nearly the same as that in the Treaty between Texas and Great Britain, or as the 2nd Article of the convention between Texas and the Netherlands.

2nd. Artc: As regards what shall be considered Texas vessels to be like the 7th Article of the Treaty between Texas and the Netherlands.

3rd. Tonage duties the same on vessels of both countries as in the second Article of the Treaty with Great Britain. Insert provisions for calling upon justices of the Peace, Judges and courts for warrants and other process to apprehend deserters from the Commercial and Naval Service.

4th The flag to protect the ships and goods, and no right of search to be permitted under penalty of damages to be restored by the Government of the officer or officers offending.

Artic 5th Provide for right and obligation of convoy in case of mutual war with a third power, as provided in the 20th article of the Treaty with the Netherlands, the free navigation by each party of the bordering or coterminous rivers and above and below the boundaries.

Artic: 7. The right of each party to land the products of its soil within the territory of the other free of all duty, when the same is intended to be and is actually shipped to any other country.

Artic: 8. To provide for the Indian relations as in the 23rd [33rd] Article of the Treaty between the United States and Mexico, and for removal of Indians from Texas.

Art: 9. Provisions for consular rights.

Art: 10. The right of succession and inheritance to the estates of deceased citizens dying intestate to be preserved as in the country of which they were the subjects, tho' temporarily domiciled abroad.

Art: 11. The Treaty to continue for ten years.[107]

To this communication Webster replied on September 20, stating that on account of a press of other matters he would not be able at that time to discuss the matter of a treaty with Texas, and that on account of his absence in the North it would not be possible to take the matter up before December,[108] so the administration of Lamar came to a close without any definite action having been taken on the proposals of Texas.

The succeeding administration took up the same policy, however, and a brief statement is necessary to complete the story of the negotiations. Bee, who had absented himself from Washing-

[107] *Dip. Cor. Tex.* I, 517.

[108] *Ibid.*, I, 517-518.

ton for the greater part of the summer and fall of 1841, was recalled in a sharp letter of censure, and James Reily was sent armed with full powers to negotiate a treaty. For a good part of this year Webster was engaged in the Webster-Ashburton negotiations over the Northeast boundary, and it was not until July 30, 1842, that the draft of a treaty was signed by the Texan chargé d'affaires and the American secretary of state.[109] The draft of the treaty contained twenty-two articles, and followed generally the subjects suggested by the Texan chargé d'affaires in September, 1841. Freedom of commercial intercourse was to be guaranteed, and duties were to be reciprocal; the use of the Red River, and all rivers having their sources or origin in Texas, and emptying into the Mississippi, and even the Mississippi, were free to the navigation of both parties; right of deposit was allowed without duties while reshipment was being made, and raw cotton was to be imported into each country for five years free of duty. Other articles dealt with blockade, rights of neutrals, prizes, and transference of property. A consular service was provided for, and a final article provided for extradition of criminals.

The main cause for demanding a treaty on the part of Texas was the unsatisfactory situation with regard to the border Indians. It will be remembered that the Texans desired that the United States guarantee Texas against the peaceable immigration of United States Indians, and that the United States should remove those which had come into Texas from the United States. Before negotiations got under way, however, Texas had surrendered that point, and the agreement was according to the contention of the United States, with ambiguities removed. It was agreed "that the two contracting parties, by all the means in their power, maintain peace and harmony among the several Indian tribes who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries," and in order to attain that result force was to be used, "so that Texas will not permit the Indians residing within her territory, to attack the citizens of the United States or the Indians residing within the limits of the United States, nor will the United States suffer their Indians to attack the citizens of Texas nor the Indians inhabiting her terri-

[109]Reiley to Jones, August 3, 1842, *Dip. Cor. Tex.*, I, 576.

tory, in any manner whatsoever." Captives were to be returned by the two governments.[110]

This treaty was never binding on the two governments as ratifications were never exchanged. The Texas Senate on January 16, 1843, ratified it with an amendment to article V, which permitted free importation of raw cotton,[111] while in March, 1843, the United States Senate ratified it after striking out articles IV and V, which provided for freedom of navigation of the rivers, including the Mississippi, and right of deposit at New Orleans and other points. No further action was taken by either country, as by this time the annexation issue was becoming of supreme interest again.

Another topic that requires some discussion here, and which I have already mentioned in a discussion of the relations of Mexico and Texas, is the attitude assumed by the United States during the efforts of Texas to establish peace with Mexico. When Dunlap was sent to the United States in the place of Bee, who was sent to Mexico, he was instructed to ask for the mediation of the United States between Texas and Mexico.[112] Forsyth gave a limited agreement to this policy, while acting at all times cautiously. The purport of the instructions was that through the mediation of the American secretary of state, Dunlap should get into communication with the Mexican minister, and by some means agree on a treaty with him. It appears that Forsyth did speak to the Spanish minister, without taking any decided stand one way or another. In a private letter to Lamar, May 16, 1839, Dunlap wrote:

> I am requested by Mr. Forsythe to give you a private letter relative to our interview this day, concerning the mediation of this Govt. with our Mexican difficulties—as the result may not be subject to a call of Congress. He said to the Mexican minister that the Govet. of Texas had asked the mediation of his Govet. with the hope of settling on amicable terms, by a treaty of peace and limits the present difficulties between Texas and Mexico—and that his Govet. would be very happy to interpose, should it be the wish of Mexico.[113]

[110]The complete text of the treaty can be found in *Dip. Cor. Tex.*, I, 622-628.

[111]*Secret Journals of the Senate*, 276.

[112]*Dip. Cor. Tex.*, I, 369.

[113]*Dip. Cor. Tex.*, I, 383.

This was certainly non-committal enough; but the instructions to Ellis, who was just being sent as minister to Mexico, were less in harmony with the desires of Texas. Ellis was instructed to be ready, while observing strict neutrality, to interpose his good offices between Mexico and Texas, but not until Mexico should ask for them. There is no evidence that Mexico asked for the mediation of Ellis, and none that he ever offered mediation. But the Texan minister was characteristically optimistic, and read into Forsyth's attitude a solicitude for Texas which was unjustified. "Mr. Ellis will be instructed to say to Prest Santa Anna that should Mexico desire the mediation of this Govnt," he wrote, "that nothing will give her more pleasure than to interpose"; but Ellis was not instructed to make any such statement. Apparently, from the instructions, all advances were to come from the Mexicans before Ellis would have been expected to offer the good offices of the United States.

No further developments came on this line until April, 1840. Bee, who had succeeded Dunlap as minister in Washington, communicated to Forsyth information concerning the killing of Colonel Johnson and his party while returning from the Rio Grande country after promulgating Lamar's proclamation of neutrality as between the Centralists and Federalists, and again asked the United States to mediate between Mexico and Texas.[114] In answer, Forsyth informed Mr. Bee "that although he is entirely correct in supposing that the United States desire that the relations between Texas and Mexico may be established upon a friendly footing, nothing has occurred since the communications on that subject from this Department to the Predecessors of Mr. Bee as the Representatives of Texas here, to render a change of the determination of this Government expedient."[115] This cool response effectively closed the matter, and it did not reappear until after the close of Lamar's administration.

Another way in which the United States showed a correct conception of neutrality, was in refusing to allow seamen for the Texas navy to be recruited in American ports. At the beginning of Lamar's administration, as I have shown in another chapter, the vessels contracted for by his predecessor began to arrive, but they

[114]Bee to Forsyth, April 5, 1840, *Dip. Cor. Tex.*, I, 451.

[115]Forsyth to Bee (copy), May 4, 1840, *Dip. Cor. Tex.*, I, 453.

were not manned, and it was hoped to secure seamen from the United States. Lieutenant Moore, commander of the sloop *Boston* in the United States navy, resigned his commission and was appointed as commander of the Texan navy. In reporting this resignation to the Texan authorities, Dunlap wrote, July 21, 1839, suggesting that the best plan to obtain tried seamen was to send the vessels back to New York or some other port, and let the commanding officer announce the number of men desired. He said that was the method advised by those most skilled in the matter. He stated that no notice would be taken when the ships left, concluding, "This is the best port for such an enterprise as concealment is more certain amidst such large and busy masses as continually throng this city."[116]

The government of Texas accepted the guarantees of Dunlap, and followed his advice, sending the ships to various American ports for recruits, Moore himself proceeding to New York. It seems, however, that the authorities of the United States were not so blind as Dunlap anticipated. A letter from Forsyth to Dunlap on January 15, 1840, enclosing documents showing that Moore had been violating the neutrality law of 1818, and announcing his purpose to begin legal proceedings against Moore, said, "As you will without doubt promptly inform your Government of the grounds and motives for the proceedings against Mr Moore and his confederates, no erroneous impressions in regard to them can be received but it will understand that they have originated in the desire and determination of the Executive of the United States to use all legal means to preserve our neutrality between Texas and Mexico, and to maintain relations of friendship and good will with both governments." He also announced the determination of his government to exclude Texan vessels of war from American ports in case of any future violation of the law.[117]

The charge against Moore, substantially supported by documents, was that for some time he had been engaged in hiring and retaining within the territory of the United States, citizens of the United States and other persons to enlist themselves in the service of the Republic of Texas as mariners or seamen on board the brig of war, *Colorado*. In spite of his suggestion that this

[116]Dunlap to Lamar, July 21, 1839, *Dip. Cor. Tex.*, 411.

[117]Forsyth to Dunlap, January 15, 1840 (copy enclosed in Dunlap to Burnet, January 27, 1840), *Dip. Cor. Tex.*, I, 437.

procedure be followed in securing mariners and seamen, Dunlap expressed great surprise that any attempt was being made to evade the laws of the United States. He felt confident, he said, that his government would not do any act inconsistent with that spirit of conciliation and good will which she had so fondly cherished towards both the government and citizens of the United States. He protested that the exclusion of Texan vessels from American ports was threatened without giving Moore a fair and complete trial. On January 27, 1840, he sent a note to the secretary of state for the United States enclosing a copy of one from Commodore Moore disclaiming having enlisted any seamen in violation of an act of Congress. To this Forsyth replied, calling attention to the discrepancy between Moore's letter and the documents already presented, and stating that since Moore had left the waters of the United States of his own accord, no further action on the part of the United States *was necessary*. Thus the matter closed.[118]

4. *Relations with France and England*

When William H. Wharton was sent as minister to the United States in November, 1836, he was instructed, if the United States should be indifferent or adverse to the claims of Texas to recognition or annexation, to keep in touch with the ministers of England and France, "explaining to them the great commercial advantages that will result to their nations from our cotton, etc., and finding a market here for their merchandise, and an outlet for their surplus population, on the basis of low duties and liberal encouragement which it will be our interest to establish." In a postscript the Texan secretary of state, Stephen F. Austin, repeated his instructions that in no case was the minister to look for support to other quarters unless the United States should give evidence of a lack of friendly interest.[1] In February, 1837, Wharton became discouraged at the prospect of recognition by the United States, and wrote that he had put the British and French ministers in possession of documents explanatory of the objects of the contest with Mexico, and that he had requested them to ascertain whether or not their countries would receive a diplomatic

[118]For this correspondence see *Dip. Cor. Tex.*, I, 436-442.

[1]Austin to Wharton, November 18, 1836, *Dip. Cor. Tex.*, I, 137, 140.

agent from Texas for the purpose of entering into a treaty of commerce.[2]

Partly as a result of the obvious indifference of the United States to annexation, and to encourage a more favorable attitude by appealing to European countries, and partly from a desire to strengthen the financial system by securing recognition abroad, the Congress which assembled in May, 1837, passed a resolution requesting the President to appoint an agent to Great Britain, and later in a secret joint resolution, it authorized the President to instruct the agent to visit France, in order to secure recognition of their independence by those powers, and to form a commercial treaty.[3] J. Pinckney Henderson, who had acted as secretary of state for awhile after the death of Austin, was commissioned on June 20 as agent under these resolutions, and he arrived in London on October 9, 1837.

Texan affairs had been under discussion in Parliament in 1836, when the anti-slavery interests expressed concern over the possible effect of Texan independence on slavery and the slave trade. On June 5, 1836, Mr. Barlow Hoy interrogated the foreign minister, Palmerston, as to whether or not he had received any communication relative to the establishment of slavery in Texas. Palmerston responded that he had not, but that Texas was in a state of revolt from Mexico, and that no action could be taken until the outcome of that revolt was known. Two months later, August 5, while the supply bill was under discussion, Hoy moved an address to the crown praying "that such measures may be taken as may seem proper to secure fulfillment of the existing treaty between this country and Mexico; and to prevent the establishment of slavery and traffic in slaves in the province of Texas in the Mexican territory." He supported this motion in a long speech in which he emphasized three points, first, the large amount of money invested in Mexican bonds; secondly, the danger of annexation by the United States; and thirdly, the probability that slavery would be permanently established in Texas. He urged Palmerston to send a naval force for the purpose of assisting Mexico in regaining control of the revolted province.

Palmerston in opposing the motion disposed of the fears of Hoy

[2]Wharton to Rusk, February 12, 1837, *Ibid.*, I, 185.

[3]Gammel, *Laws of Texas*, I, 1287; *Secret Journals of the Senate*, 315.

and the other abolitionists by saying that if there were a prospect of annexation to the United States, it would be time for England to interest herself, but that the message of the President of the United States indicated that annexation was unlikely; that if Mexico reconquered Texas the laws of Mexico would apply, and the treaty would be enforced, so that there was no necessity to interfere on that account; and finally, that if Texas should in the future become a part of the United States there might be importation of slaves from other states, but importation from Africa was unlikely.[4] Palmerston's speech satisfied Hoy, and he withdrew his motion; but, as will be seen, the question of slavery and the slave trade continued to operate against recognition of Texan independence by England.

Henderson held his first conversation with Palmerston on October 13, and urged upon him the desire of Texas for recognition by England. Palmerston promised no more than that the matter would be considered by the cabinet as a whole. The conversation included such topics as the commercial benefits to England from recognition, the question of annexation, slavery and the slave trade, the possibility of reconquest of Texas by Mexico.[5] On October 26 Henderson addressed a long letter to Palmerston in which he traced the history of Texas for several years past, and again urged recognition by England, receiving only the promise that the matter would be laid before the cabinet. On December 21 Palmerston announced the decision of the cabinet that they were not ready to give a definite decision at that time, as there seemed still a possibility that Mexico would succeed in reconquering Texas. Henderson attempted to secure a promise that if Mexico had not succeeded in subjugating Texas within a few months England would recognize the independence of Texas, but Palmerston refused to make that promise, advising the Texans to look well to slavery conditions if they desired any consideration from England. Henderson regarded this as final and proceeded to France, after securing an agreement that Texan vessels would be admitted into British ports under the treaty between Mexico and Great Britain.[6]

[4]Hansard, *Parliamentary History of England*, 3d Ser., XXXIV, 1107; XXXV, 928-942.

[5]Henderson to Irion, October 14, 1837, *Dip. Cor. Tex.*, III, 812.

[6]Henderson to Irion, December 22, 1837, January 5, 30, April 12, 1838, *Dip. Cor. Tex.*, III, 831, 839, 843, 853.

Before proceeding with a discussion of later efforts on the part of the Texas government to secure recognition, it will be well to notice briefly a few episodes that caused some friction between the new republic and England, and perhaps served in a measure to delay recognition. In the summer of 1837 a British schooner, *Little Penn,* bound from Liverpool to Tabasco loaded with British goods ran aground on the Yucatan coast. Two Mexican vessels, the *Paz* and the *Abispa,* were sent to salvage the cargo, the *Paz* returning safely to port, but the *Abispa* falling in with two Texan vessels and being captured. The owners of the cargo, F. Lizardi and Company, submitted a claim to the British Government for the sum of £3640. On August 3, 1837, a Texan vessel of war took as a prize the British schooner *Eliza Russell,* commanded by Captain Joseph Russell, and brought her into port at Galveston. The Texan Government immediately ordered her release, but the delay gave Russell grounds for a claim against the government for £865. The Texas Government immediately acknowledged the justness of the claim for the *Eliza Russell,* though there was considerable delay in making an appropriation for settlement of the claim, which resulted in a threat on the part of Palmerston to send a warship to Texas to collect the claims.[7] This threat brought about the appropriation of a sum to settle the claim for the *Eliza Russell,* but the claim for the *Little Penn* was never recognized by Texas.

Just before Henderson arrived in London an agreement was reached on September 15, by the British holders of Mexican bonds and agents of the Mexican Government by which it was proposed to pay a part of the bonds by lands to be located in Texas. The Lizardi Company, a Mexican company in London, which was the chief holder of Mexican bonds, advertised a meeting on October 16 and from day to day thereafter for the purpose of carrying into effect the agreement. Henderson secured from Palmerston a disclaimer on the part of the British Government of any interest in the matter, and on October 16 wrote a formal protest to Lizardi and Company, stating that Texas was no longer under the sovereignty of Mexico, and that the agreement was void.[8] Few of

[7]Palmerston to Henderson, October 23, 1839, 4 Tex. Cong., *House Journal,* 33-34.

[8]Henderson to Irion, November 5, 1838, enclosing Henderson to Lizardi and Company, October 16, 1838, *Dip. Cor. Tex.,* III, 830.

the bondholders took advantage of the offer at that time. This illustrates, however, the difficulties in the way of securing recognition. Later, as we have already seen, an effort was made to secure the acknowledgment of Texan independence by Mexico in return for an assumption of a part of the Mexican debt by Texas.

Two other obstacles in the way of recognition were the possibility that Texas would encourage the slave trade, if she made good her independence, and the desire of Great Britain to pose as the friend of Mexico. The interest of Great Britain in slavery in Texas I shall refer to later. From commercial reasons Great Britain desired to maintain the friendship of Mexico, and until the independence of Texas was unquestionably established, Palmerston felt it inexpedient to recognize it; and it was not until Texas had so proved her independence that failure to acknowledge its independence would have caused greater loss than the straining of Mexican friendship, that recognition was extended. During 1838 the British Government secretly connived at the French blockade of the Mexican ports, the British naval commander being instructed to leave Mexican waters before hostilities could take place; and when hostilities did begin the British Government offered to mediate between the French and the Mexicans, and the conduct of the British mediators convinced the Mexicans of the sincere friendship of the British Government. An effort was made to mediate between Mexico and Texas, also, the British Government, while refusing to recognize the independence of Texas, urging Mexico to acknowledge independence.

With the withdrawal of Henderson from London in April, 1838, the direct connection between the Texan Government and Great Britain was interrupted until the fall of 1839. In the meantime, however, Palmerston showed himself not indifferent to the claims of Texas, and urged on Mexico the necessity of recognizing Texan independence. As I have already stated, Palmerston instructed Pakenham, the British minister to Mexico, in October, 1838, to urge Mexico to acknowledge the independence of Texas, laying stress upon the importance of creating a barrier state between Mexico and the United States. At that time Gorostiza, the Mexican foreign minister, refused to entertain the suggestion because of its unpopularity, but suggested that an armistice might be granted if some European country would undertake to guarantee the boundary. These instructions were verbal, but in April, 1839,

Palmerston sent written instructions to the same effect.[9] The further efforts of the British minister to mediate I have shown adequately in another connection.

In the summer of 1839, Christopher Hughes, American chargé d'affaires in Sweden, returned from a vacation in the United States by way of London. On June 10, 1839, he addressed a note to Lord Palmerston submitting a memorandum prepared by Anson Jones, as Texan minister to the United States, giving reasons for the recognition of Texan independence. Hughes supported the claims with a brief note on his own account. The action of Hughes was entirely on his own account, and without the knowledge of his government. It is interesting only because it drew from Palmerston a brief reply, in which he said, "Thank you for your letter about Texas, which I have sent to Lord Melbourne. The subject, to which it relates is important, but not without difficulties."[10] No doubt the chief difficulty referred to was the opposition of the abolition party in parliament led by O'Connell. On July 9, 1839, O'Connell interrogated the foreign minister as to whether anything had been done toward the recognition of Texas. Palmerston replied that application had been made the preceding year by persons from Texas, but that he had stated that the ministry were not yet ready to recognize Texas, but that he had instructed the minister to Mexico to endeavor to bring about some understanding between Texas and Mexico. He did not inform the House that the instructions called for a recognition of Texan independence by Mexico.[11] Henderson was convinced that the opposition of O'Connell was the only obstacle to recognition, and wrote to Anson Jones, September 27, 1839, from Paris:

> I shall go to England in a few days and urge that Government to recognize or refuse, and give their reasons for so doing. I scarcely hope they will comply with my main request, inasmuch as Mr. O'Connell has threatened them with his vengeance if they do recognize. That threat he made in a speech in Parliament a few days before it adjourned, and you know the present ministry of England dare not run counter to his wishes.[12]

[9]Adams, *British Interests and Activities in Texas*, 28, 29.

[10]Hughes to Jones, June 10, 1839, Jones, *Memoranda and Official Correspondence Relating to the Republic of Texas*, 148-152.

[11]Hansard, 3d Series, XLIX, 82.

[12]Jones, *Memoranda, etc.*, 148.

In May, 1839, James Hamilton was appointed as a loan commissioner under the five million dollar loan act, to dispose of the bonds of Texas in the United States and Europe. He was also commissioned as a joint agent with Henderson to secure the recognition of Texas by Great Britain and France, and to enter into a treaty of amity, commerce, and navigation. Hamilton had become interested in Texas as early as 1836, and in the fall of 1838 he hoped for the appointment by President Houston as loan commissioner, but his desires were not realized. As soon as it was known that Lamar was to be the successor of Houston Hamilton wrote numerous letters to him suggesting means of floating a loan, and as soon as practicable after his inauguration Lamar appointed him to the place mentioned. Hamilton proved prolific in schemes for securing financial aid and recognition, and it is likely that his arguments appealed to Palmerston, resulting finally in several treaties between Texas and Great Britain.

On May 20, 1839, the same day on which his commission was signed, he wrote a letter to H. S. Fox, British minister at Washington, for transmittal to Pakenham, British minister at Mexico, outlining his views as to the advantage to Great Britain of recognition of Texas. This letter was not transmitted until some months later, but it, with other information concerning Texas and Mexico, was faithfully transmitted to Palmerston by Pakenham, and served to prepare the way for the active negotiations undertaken by Hamilton the following year. The immediate purpose of the letter was to secure the good offices of Pakenham to mediate betwen Mexico and Texas while Bee was still attempting to get into communication with the Mexican authorities. It was in this letter that he adopted a policy, already discussed by Bee and Gordon, representative of Lizardi and Company in New Orleans,—offering the payment by Texas of a sum of money to be applied to the payment of Mexican bonds in return for a recognition of her independence within the boundaries demanded. After expressing his desire that Pakenham mediate between Mexico and Texas, he proceeded to give arguments to show the advantage to Great Britain if Texan independence should be accomplished through British mediation. In the first place, he said, the impending blockade of Mexican ports by Texan vessels might cause serious difficulty as Great Britain would hesitate to recognize the blockade, and bloodshed might ensue; secondly, Great Britain

had an incalculable interest in the trade of Texas; thirdly, Great Britain might feel a delicacy in recognizing Texas until Mexico had recognized; fourthly, as soon as Great Britain recognized Texas she could obtain through the value of her commerce with Texas, the concurrence of Texas in suppressing the slave trade, which Texas had prohibited by her Constitution.[13]

Hamilton left New York on August 1, arriving in London in September. He had a conference with Palmerston, but nothing definite came of it, and he proceeded to the continent to attempt to secure the loan. Receiving little encouragement, he returned to the United States, and in December he was in Texas, where he secured a resolution of Congress permitting him to asume five million dollars of the Mexican bonds in case recognition by Mexico were secured, and authorizing him to borrow money for the purpose. Henderson having been recalled Hamilton was commissioned as agent to Great Britain, and authorized to sign a treaty of amity, commerce, and navigation. He was also authorized to enter into an agreement with the holders of Mexican bonds.[14] Before returning to Europe Hamilton wrote a letter to Palmerston, February 10, 1840, repeating his arguments for British mediation, and suggested further that Great Britain should threaten to recognize Texas if Mexico refused to agree to British mediation.[15]

On April 18, 1840, Hamilton was given a commission as diplomatic commissioner to the Netherlands and Belgium for the purpose of negotiating a treaty of recognition, and to conclude commercial treaties with those two countries. He proceeded direct to The Hague, where he concluded a treaty of amity, commerce and navigation with the Netherlands on September 18, 1840. He went from there to Brussels and initiated a treaty with the Belgium Government, which was broken off at that time, and he proceeded to England, arriving in London on September 27, when he found Palmerston so busily engaged on the Eastern question that no attention could then be paid to the claims of Texas.[16]

[13]Hamilton to Fox, May 20, 1839, *Dip. Cor. Tex.*, III, 867-871.

[14]The commission is dated December 20, 1839. *Dip. Cor. Tex.*, III, 877.

[15]Hamilton to Palmerston, February 10, 1840, enclosed in Hamilton to Lipscomb, February 25, 1840, *Dip. Cor. Tex.*, III, 887.

[16]See Hamilton to Jones, February 18, 1842, *Dip. Cor. Tex.*, III, 945, for a brief history of Hamilton's procedure.

It is evident that Palmerston had made up his mind to recognize Texas before the arrival of Hamilton, and when negotiations did begin they proceeded rapidly to a conclusion. On October 1 Hamilton addressed a brief formal note to Palmerston laying his credentials before the foreign minister, and asking for recognition on the grounds that Texas had *de facto* achieved her independence, and that she had established a government.[17] On the 14th he laid before the British Government the arguments on which he based the claim of Texas to recognition. The reasons for the recognition and the consequences of failure, which Hamilton thought would appeal to Palmerston, were as follows:

Reasons why Great Britain ought to recognize the Independence of Texas & form a treaty with her.

1st. The future & rapidly increasing value of the Trade with Texas, under a judicious commercial Convention.

2nd. By this means she secures a great Cotton producer and important consumer of her Manufactures, as her customer & a friendly neutral in the event of a war with the United States—

3rd. The Recognition of Texas by Great Britain inevitably Superinduces peace between Mexico & Texas.

4th. Peace at this moment between Mexico & Texas will inevitably insure the payment of a portion of the Mexican debt by Texas.

5th. It likewise insures under the friendly mediation of England a permanent Boundary Line between Mexico & Texas, which will be inviolably observed by Texas, & repress the spirit of future conquest on the part of the Anglo-American race—

In case England does not recognize the following consequences are likely to follow—

1st. In sixty days from this day Vera Cruz, Tampico & Matamoras will be blockaded by the Texian Squadron, which consists of one Corvette, two Brigs, three Schooners & one naval Steamer, now off the Coast of Mexico, while Mexico will be destitute of all naval force whatsoever.

2nd. If Texas is informed that Great Britain will not recognize her Independence & that consequently there is no hope of peace with Mexico, she will forthwith join the Federalists, revolutionize the northern provinces of Mexico & make such additions to her territory as the laws of war would justify under the usages of civilized nations.

3rd. Great Britain has an obvious interest in avoiding a discriminating duty which will be levied against the productions of

[17] *Dip. Cor. Tex.*, III, 925.

all nations which have not recognized Texas & formed Commercial Treaties with her on or before the 1st of Feby. next.

4th. If Her Majesty's Government should decline recognizing I must avail myself of the present situation of public affairs in Europe & make the most beneficial arrangements I can with some continental nation giving it exclusive commercial advantages for a valuable equivalent.

5th. Texas greatly prefers a friendly alliance with England from all those considerations which are connected with a common origin— But if Great Britain refuses all international companionship with her, she will be driven to seek friendly & profitable associations elsewhere.[18]

Four days later Palmerston responded that Great Britain was willing to enter into negotiation for a treaty of commerce and navigation between Great Britain and Texas, "believing the time to be now come when the independence of Texas may be considered as being, *de facto,* fully established; and, when the interests of Great Britain require, that the commercial intercourse between Great Britain and Texas shall be placed under the security to be afforded by a Treaty." Having announced the willingness of his Government to negotiate a treaty, he laid down the condition that Texas at the same time should enter into a treaty to suppress the slave trade. The peculiar geographical position and internal arrangements of Texas, he said, made it incumbent on the British Government to make the conclusion of such a treaty a *sine qua non* condition of any other treaty between Great Britain and Texas. He sent with his letter the draft of a convention in which reciprocal right of search by naval vessels was provided for. The draft of the treaty, which was accepted by Hamilton with only slight modification, provided for the right of search by certain cruisers of merchant vessels, which might on reasonable grounds be suspected of being engaged in the slave trade, in order that, if found guilty they might be sent to their own country for adjudication before their own tribunals. The search should take place only on a specific warrant of the government to which the vessel to be searched belonged.

Hamilton's commission did not authorize him to sign such a convention, but he felt that the importance of recognition and a commercial treaty with Great Britain justified him in going beyond his instructions, and on the 20th he wrote Palmerston of his

[18]Adams, *British Interests and Activities in Texas,* 53.

willingness to sign the convention with minor changes, which was not so difficult to do since the Texan merchant vessel could engage in the slave trade and be under no danger of seizure except on warrant of the Texas authorities, and upon seizure it would be tried only in Texas courts.[19] Preliminary articles for a treaty of amity, commerce, and navigation were agreed upon on November 5, and on the 13th the completed treaty was signed by Palmerston and Hamilton. On the following day a convention was signed which bound Texas to assume a million pounds sterling of the Mexican debt, if within six months Mexico had acknowledged the independence of Texas through British mediation. On the 16th the slave trade treaty was signed.[20]

The commercial treaty and the mediation convention were sent out on December 3 by a special messenger, Arthur Ikin, and arrived in Texas early in January. They were laid before the Senate and promptly ratified without opposition. The slave trade treaty was sent by another messenger, A. T. Burnley, who was associated with Hamilton as loan commissioner. Burnley went by another route, and did not arrive in Texas until February 21, 1841, after the adjournment of Congress, and the ratification of that treaty was delayed until the following session. The British Government refused to exchange ratifications until all three of the treaties had been ratified by Texas, and it was not until June 28, 1842, that ratification was finally exchanged, the Texas Senate having ratified the slave trade treaty in January of that year.

It has been charged reasonably that Hamilton sent the slave trade treaty by a different messenger and by a different route in order to delay its receipt in Texas, for the reason that he feared the action of the Texas Senate on that convention. In his letter transmitting the commercial treaty and mediation convention he made no mention of the other treaty. It was a month later, January 4, 1841, when the slave trade treaty was transmitted. In his letter of transmittal to the secretary of state Hamilton went into considerable detail in explaining the reasons for his exceeding his instructions in the matter of the treaty. The trepidation that he

[19]Palmerston to Hamilton, October 18, 1840, and Hamilton to Palmerston, October 20, 1840, *British and Foreign State Papers*, XXIX, 617-621; *Telegraph and Texas Register*, January 12, 1842.

[20]For the text of these treaties see Gammel, *Laws of Texas*, II, 880-885, 886-904; *British and Foreign State Papers*, XXIX, 80-83, 84-85, 85-96.

felt is also indicated by the letter he wrote to Lamar on the same date. After giving a history of the negotiations, he wrote:

I did not apprise you of the slave trade convention which I had to conclude with Lord Palmerston to ensure recognition, because I was fearful unattended by those explanations Mr Burnley might afford, it would be liable to misconstruction. Referring you to my letter to the Secretary of State, and my correspondence with Lord Palmerston, I have only to add that I am sure you will concur in the necessity of my acquiescing in such a convention, when Mr Burnley shows you the opinion of the Solicitor of the Bank of England, who advised us that no valid contract could be made in the security of the bonds of an unrecognized Government.[21]

Why Ikin could not have made the suitable explanations does not appear, though Hamilton informed Aberdeen, who had succeeded Palmerston in the foreign office, that he had sent the document by a man well qualified to press it on the people of Texas, and that the illness of his messenger in New York had prevented his arrival in time. He proceeded to press upon the British Government the negotiation of a new treaty granting extensive commercial privileges to Great Britain, but as this was in nowise a policy of the Texan Government, and was rejected out of hand by the British Government, I shall not discuss it here.[22]

The failure of ratification of the treaties left the relations between Texas and Great Britain in the same situation as from the beginning. Though Hamilton was commissioned as minister plenipotentiary, he was unable to assume that dignity and was forced to continue only as diplomatic agent. The British Government did, however, in anticipation of the ratification of the Slave Trade Treaty appoint Charles Elliot, as consul-general to Texas, and toward the close of the year 1841, William Kennedy was sent as an agent to secure the ratification of the Slave Trade Treaty.[23]

The treaty with the Netherlands negotiated by Hamilton in September, 1840, was promptly ratified by the Texan Senate. I have noted that Hamilton was negotiating a treaty with Belgium

[21]Hamilton to Lamar, January 4, 1841, *Dip. Cor. Tex.*, III, 929.

[22]For the terms offered by Hamilton, see Adams, *British Interests and Activities in Texas*, 68-69.

[23]*Dip. Cor. Tex.*, III, 942; Adams, ed., *British Correspondence Concerning Texas*, THE QUARTERLY, XV, 251, 252.

when it became necessary for him to leave for London. No satisfactory basis of agreement was reached between Hamilton and the Belgian Government until the fall of 1841. Under this agreement Texas would admit cotton and woolen goods, iron, and linen manufactured in Belgium at one-half the existing duty, while the same articles from other countries should be required to pay at the rate of 50 per cent ad valorem. Arms and ammunition were to be admitted free for the Belgians, while other countries were to pay a duty of 100 per cent ad valorem. The coasting trade was to be free to Belgian ships the same as to Texan. In return for all these concessions, Belgium was to guarantee a loan of 37,000,000 francs by a specific endorsement of the bonds of the republic of Texas. This extremely disadvantageous treaty was rejected promptly by the Texan Senate on October 20, 1841.[24]

The other European country that showed active interest in Texas was France, and it was to France that the new republic turned for finances when other sources failed them. The fact that France was never able to contribute to the financial needs of Texas by either furnishing or guaranteeing a loan did not for a long time dampen the ardor of the loan commissioners, who were prolific with schemes for securing a loan. But the first interest of Texas was in securing the recognition of independence by France, as well as by the other European powers.

When Henderson withdrew from London in April, 1838, he went immediately to Paris, where he found a much less indifferent attitude than he had found in London. It will be remembered that France was just entering upon the blockade of Mexican ports, which might be expected to create an interest on the part of France in the claims of Texas. On account of the interest of the Government in the Mexican matter, Henderson was not received until May 31, and at that time he was given no assurance that his request for recognition would be favorably acted upon; but the Government immediately instructed the French minister at Washington to send one of his secretaries to Texas in order to report on the conditions there. Alphonse de Saligny was sent, though he did not make his report until late summer of 1839. On October 1 the foreign minister, Count Molé informed Henderson that the Government was disposed to wait until the re-

[24] *Secret Journals of the Senate*, 222, 224.

ceipt of the report of their agent before extending recognition. At the same time Molé requested Henderson to remain in Paris, as France was desirous of making a commercial arrangement with Texas that would serve to encourage commerce until the time of recognition, to which Henderson readily assented.[25] Early in November Henderson signed on the part of his Government an agreement similar to that entered into with Great Britain—"Until the mutual relations of France and Texas are regulated in a complete and definitive manner, the Citizens, the vessels and the Merchandize of the two Countries shall enjoy in every respect in each of the Countries the treatment accorded, or which may eventually be accorded to the most favored Nation, conformably moreover to the Respective Usages."[26]

In April, 1839, Admiral Baudin, minister plenipotentiary to Mexico and commander of the French naval forces in the Gulf of Mexico, who had been blockading the Mexican ports while treating with the Mexican Government, sent the Abbé M. B. Anduze to Texas for the purpose of agreeing to joint action on the part of Texas and France should hostilities between France and Mexico be renewed. This action was in response to an informal expression of Lamar to the French consul at New Orleans before he had determined to send a diplomatic agent to Mexico. "You will perceive, Mr. President," he wrote,

> by the letter of the Admiral, which I have the honor to deliver to your Excellency, that I am authorized to enquire into that matter. With every disposition of the Admiral to meet the Government of Texas in an agreement, which shall be mutually beneficial and satisfactory, permit me therefore to ask.
>
> First, What would be the nature of the co-operation of Texas in the event of a new war between France and Mexico?
>
> Second, What would be the extent of your demands, in money, war ammunitions, means of transportation, etc.?
>
> Third, What would be the guarantees offered for the reimbursement of the advances thus made?
>
> . . . . . .
>
> Though this Mission of mine, Mr. President does not proceed directly from the French Government, as the propositions will, I hope, be mutually advantageous, both to you and to France, The

[25]Henderson to Irion (and enclosures), October 5, 1838, *Dip. Cor. Tex.*, III, 1220.

[26]*Dip. Cor. Tex.*, III, 1233-1234.

Admiral Baudine will feel it his duty to obtain the approbation and sanction of his Government.[27]

To this communication Lamar responded through the secretary of state that until the result of the peace mission to Mexico should be known no agreement could be made for future hostilities; but that in the event of hostilities in the future Texas would gladly co-operate with France, and would bring into the field at the shortest notice twenty thousand soldiers and more if required—which, of course, was impossible—provided France advance the money necessary to a successful prosecution of the war.[28] Admiral Baudin visited Texas in May and was received with much honor and ceremony, which materially advanced the cordial relations of Texas and France.

Saligny, who had been sent as agent to Texas in 1838, made his report in the summer of 1839. This report has not been found, but it must have been favorable as Marshal Soult, who had succeeded Molé as minister of foreign affairs, in July informed Henderson that the French Government had determined to recognize the independence of Texas, but that they preferred to do it in the nature of a commercial treaty. Henderson demurred at this, preferring to receive recognition before entering into negotiations for a commercial treaty, as it would give him a better chance to negotiate as an equal. He was unable to change the French ministry, however, and in September signed a treaty of commerce which carried with it the recognition of Texan independence. Thus France was the first European country to recognize the independence of Texas. The treaty was promptly ratified by the Texas Senate, and Alphonse de Saligny was sent as chargé d'affaires to the newly recognized republic.[29]

From this time until the close of the Lamar administration there were few striking developments in the relations between France and Texas. France did not find it necessary to go to war with Mexico again, and Texas adopted her own policy toward

[27]Anduze to Lamar, April 18, 1839, *Dip. Cor. Tex.*, III, 1244-1245.

[28]Webb to Baudin, April 25, 1839, *Dip. Cor. Tex.*, III, 1246.

[29]Christian, "Tariff History of the Republic of Texas," THE QUARTERLY, XX, 336-337; Gammel, *Laws of Texas*, II, 655. This treaty was signed by the plenipotentiaries on September 25, by the King of France, October 2, and ratified by the Texas Senate on January 14, 1840. Ratification was exchanged on February 14, 1840, the certificate of ratification being signed by Saligny and Abner S. Lipscomb, Texan secretary of state.

Mexico. In the winter of 1840-1841 Saligny made himself obnoxious to the Government by his strenuous advocacy of the notorious Franco-Texienne bill, which the Houston party was attempting to pass over the opposition of the administration. The opposition of the Government to the bill induced a coolness on the part of Saligny, and the assault by a Mr. Bullock on the servant of Saligny led to a disgraceful quarrel between Saligny and the secretary of state, resulting in a request for the recall of the French chargé d'affaires. It had no other effect than the possible one of defeating the loan negotiations in France. Saligny calmly waited until the close of Lamar's administration, when he knew the new President would be more friendly to himself and his colonization projects.

To conclude, in foreign affairs the Lamar administration was notably successful. At its beginning only the United States had acknowledged the independence of Texas, and no commercial rights were recognized by any country; while at its close independence had been recognized by France, the Netherlands, Great Britain, and Belgium, and favorable commercial treaties had been adopted with France, Great Britain, and the Netherlands. A notable failure was the attempt to conciliate Mexico, but in that case the failure does not prove the policy unwise. The policy was advised and abetted by the United States and Great Britain, and though the Houston party criticised it, Houston found it necessary to adopt a similar policy after the beginning of his second administration.

Chapter VII

CLOSING YEARS

When President Houston's first administration closed in December, 1838, it was well known that he would be a candidate to succeed Lamar in 1841. He entered Congress in October, 1839, and immediately became the spokesman for those opposed to Lamar, and succeeded fairly well in creating an anti-administration party in Congress. He denounced Lamar on every occasion, but Lamar usually contented himself with defending his administration against attack. He took no active part in the campaign in 1841, though it was generally understood that he favored the election of the vice-president, David G. Burnet, who was running against Houston. It cannot be said that there was anything like definite party lines in the contest, and the election of Houston by an overwhelming majority did not indicate a complete repudiation of Lamar. Burnet was unpopular, and his brief tenure of the office of president during Lamar's illness did not make him any more popular. Besides, Houston understood thoroughly the turbulent frontier methods of campaigning, and his status at that time as a military hero was unquestioned.

That Lamar's popularity had declined, however, particularly with Congress, cannot be denied. At the beginning of his administration he had an overwhelming majority of both Houses with him, while at its close the House of Representatives was hostile, and the Senate showed only a small majority in support of his policies. But Houston had been less popular at the close of his first administration. The unpopularity of both executives was natural in a frontier state where each man was largely an individualist and inclined to resist any measure of governmental control. The main acts and failures of the Lamar administration I have already recorded. His attitude toward annexation, his Indian policy, the Santa Fé expedition, all aroused some opposition; but the total failure of the financial system during his administration probably caused more discontent than all the other matters put together. For the better part of his term he was in

bad health, and this contributed to a certain personal unpopularity. This led to a certain detachment from or coldness toward his friends. "I am informed," wrote Memucan Hunt,

> that you are cold and repulsive in manners, &c. I plead the constant occupancy of your mind on important matters of State and the impossibility of those courtesies which were to be looked for when your mind is thus engrossed &c, &c. It is however very little trouble to ask a man when he reached the city, &c, &c, &c, &c, and I will take the liberty of recommending to you to tax yourself in this respect.[1]

He did not engage in the usual tricks of the politician, and for this he deserves both praise and blame. He is to be praised for depending on the justice of his policies rather than on political movements to bring their success; but if he could have added to that method a little of the political tact applied with success even today, he would have been more successful, and probably would have stood higher among historians.

His administration came to a close in December, 1841, and he retired to his home in Richmond. In the summer of 1842 he visited Georgia and was received with considerable honor. He was elected to the Phi Gamma Society of Emory College at Covington, Georgia, and made addresses at Columbus, Macon, and other places.[2] He returned to Texas in the spring of 1843, and except for a request that James Webb become a candidate for president in 1844, he took no part in politics. The documents included among his papers indicate that he was busy collecting material for his long-planned history of Texas, an occupation which engaged him from this time on, though he never put his material together. In 1844 he became convinced that separate statehood for Texas was impracticable and he advocated annexation. When annexation was accomplished some of his friends urged him to become a candidate for the United States Senate,[3] but he declined, and Houston and Thomas J. Rusk were elected.

When the Mexican War began Lamar attached himself to the Texas Mounted Volunteers, and participated in the battle of Mon-

[1]Hunt to Lamar, June 5, 1839, *Lamar Papers*, No. 1322.
[2]*Lamar Papers*, No. 2146.
[3]*Lamar Papers*, No. 2192.

terey. The Texas troops were under the command of Governor J. Pinckney Henderson, and Lamar acted as division inspector, and also as adjutant. He was highly commended by General Henderson in his report to General Taylor on the battle. General Henderson wrote:

> General Lamar, my division inspector, (acting also as adjutant,) was mainly instrumental in causing my troops to be called into requisition. He had accompanied General Quitman in the occupancy of a point in the lower part of the city, where the battle commenced; and it was at his suggestion that a messenger was despatched for my command. He was found in active co-operation with the Mississippi and Tennessee troops; but rejoined my regiment on its arrival, and acted, during the balance of the fight, with the Texans.[4]

Shortly after the battle of Monterey Lamar was placed in command of an independent company and stationed at Laredo for the purpose of holding that post and restraining the Indians from attacking the Texans. He continued in this position until his command was mustered out at the command of General Taylor in September, 1847, though he frequently urged that he be allowed to accompany the main army in case of further fighting. Anticipating General Taylor's order, he requested and obtained of the Texan Government the authority either to re-enlist his company or raise a new company to be stationed at Laredo to continue the work already undertaken, and it was not until June, 1848, after the definite treaty of peace had been signed, that he mustered out his command and retired permanently from military service.[5]

As soon as the Texan authorities had taken possession of the disputed territory between Nueces and Rio Grande, they proceeded to organize it as a part of the State of Texas. Lamar himself, as commandant at Laredo, on July 3, 1847, called an election for local officers at that place. The counties of San Patricio and Nueces were organized by the Texas Government, and took part in the election of state and county officers for the year 1847. Lamar became a candidate for the House of Representatives from those two counties, and on November 1 was elected without oppo-

[4] *House Executive Document* No. 4, 29 Cong., 2 Sess., p. 98.
[5] For this paragraph see *Lamar Papers*, Nos. 2297-2390.

sition. He served in the session of 1847-1848, while his company was being re-enlisted and reorganized. He was proposed for speaker of the House, but was defeated by J. W. Henderson of Harris county by a vote of 34 to 24. He was chairman of the committee on State Affairs, but took little part in the activities of the House; and as soon as the session was over, he returned to his command in Laredo, where he staid until June, 1848.

From this time until 1857 the records of his movements are scanty. In the summer of 1849 he went again to Georgia on business connected with the eleven-league grant of land to a Georgia company, the business which had taken him to Texas in 1835 and 1836. He remained in Georgia until April, 1851, when he returned to Texas. There he married Miss Henrietta Moffitt of Galveston, after having remained unmarried since the death of his first wife in 1835. While in Georgia he contributed his opinion to the great questions of the time in public addresses and newspaper articles.

On August 1, 1850, a group of Macon citizens wrote a letter requesting that Lamar address a public mass meeting to be held in Macon on Clay's Compromise. Declining their invitation, August 16, he wrote that he was opposed to the Clay Compromise, but also to the Missouri Compromise; he was for all the rights of the South, and opposed to all compromises save those of the Constitution. Clay's and the Missouri Compromise were only capitulations on the part of the South, for if Congress could prohibit slavery north of thirty-six thirty, it could prevent it south of that line. "Naturally connected with these matters," he continued,

> is the present position of the affairs of Texas. It forms the most practical issue of the day. I look upon the Santa Fé country as forming the first battle-field between the assailants and defenders of the institutions of the South. The Free Soilers are determined to seize the territory for the purpose of abolishing slavery upon it. It is now lawfully a part of Texas, and subject to the dominion of her institutions. If it can be severed, and united with New Mexico, Abolition will accomplish its ultimate purpose at once within the legitimate limits of a sovereign state.
>
> The title of Texas to the territory in question is indisputable. It was within her designated limits while she was an independent government. She held to the Rio Bravo, by the same right by

which she held to the Sabine. When she was admitted into the Union, these boundaries were well defined, and recognized by Congress; and it was out of this very Santa Fé country, that the new states were expected to be formed, which are alluded to in the resolutions of annexation.

He went on to say that it was a violation of that territory by Mexico which had resulted in a declaration of war by the United States, and said that the only remedy for the South was secession. "This is the only course for the South," he said.

There is no safety in the Union as it now exists. It is not the Union of the Constitution—not the Union established by the Sages of the Revolution; not the one that 'ensures domestic peace and tranquility;'—but another great dynasty erected on its ruins—a Russian Empire, which makes a Hungary of the South.

He advised a convention of the Southern States, fully empowered by the State sovereignties, to meet as speedily as possible upon the adjournment of Congress, to organize a Southern Confederacy in case the measures of the abolitionists were adopted. He doubted whether or not the Union could continue, but thought that if the South should withdraw, the North would come to terms; however, he thought the South was too divided to secede. Thus he placed himself among the extremists of the South, which was not strange when we recall his earlier alignment in the Indian and tariff controversies of the Jackson period.[6]

He continued to collect historical material, which he began to organize, and even had one chapter of a work on Long's expedition printed. No record of public activity remains, however, until January, 1855, when he became president of the Southern Commercial Convention held in New Orleans at that time, retiring before the close of the session on account of ill health.[7] In 1857 began his diplomatic career, which I shall discuss in some detail.

At the outset of the Buchanan administration Lamar became an applicant for a diplomatic post, which he considered as justified on account of his record as a States' Rights Democrat, and because his nephew, Howell Cobb, was secretary of the treasury.

[6] *Lamar Papers*, No. 2461; *Columbus Times*, September 10, 1850.
[7] *Lamar Papers*, No. 2489.

It seems that from the beginning Lamar desired an appointment to Nicaragua.[8] On March 6, 1857, Senator Rusk of Texas and J. A. Quitman of Mississippi sent a joint letter to Henry A. Wise, Governor of Virginia, asking for his influence to secure the appointment of Lamar as "resident minister to some of the European or South American Republics," and stating that he would accept a position as governor of a territory. Lamar was recommended as having been devoted to democratic principles throughout a long life, stating that he was induced to make application for such an appointment on account of pecuniary distress.[9] On March 8 Lamar applied in person to President Buchanan, and shortly after it was determined to appoint him as minister to the Argentine Confederation. The formal announcement of the appointment came in a letter from Lewis Cass, secretary of state, on July 23, 1857.[10] Lamar was delayed in setting out on his mission on account of financial difficulties, and when he was about to start, Cass and Buchanan decided to send him to the Central American republics, Nicaragua and Costa Rica as minister plenipotentiary.

In the absence of documentary evidence I am unable to state the cause for this change, but the cause seems reasonably clear. On November 16, 1857, Cass and Yrissari, the minister of several of the Central American States had signed a treaty which was expected to settle all questions between the United States and Nicaragua, and as Lamar had asked for the Nicaraguan post in the beginning, and had been given another one because Nicaragua was still unrecognized, the natural thing to do was to change his commission and send him to Nicaragua for the purpose of securing the ratification of the treaty.

I shall not be able to discuss in this paper the details of the conditions in Nicaragua out of which this treaty developed, nor the connection of Lamar with the negotiations; but I shall briefly outline the conditions as they were in order to show the superhuman task undertaken by Lamar. On August 27, 1849, a contract was entered into between the Nicaragua Government and the American Atlantic and Pacific Ship Company, by which in return

[8]See McLeod to Green, February 25, 1857, *Lamar Papers*, No. 2510.

[9]Rusk and Quitman to Wise, March 6, 1857, *Lamar Papers* (draft), No. 2511.

[10]Cass to Lamar, July 23, 1857, *Lamar Papers*, No. 2522.

for a certain sum of money paid by the company, the company was granted exclusive right to operate the Lake and overland transit from the Atlantic to the Pacific.[11] On August 14, 1851, the contract was amended, the company thereafter styling itself the Accessory Transit Company, though no vital changes were made in the charter. This charter was annulled on February 18, 1856, by a decree of the revolutionary government, because, as it was claimed, the company had failed to carry out the terms of the agreement.[12]

The Walker filibustering expedition, which began in 1855, had come to a close with the expulsion of Walker on May 1, 1857; but the expulsion of Walker did not mean that a stable government would be established any more than that there had been a stable government before he went to Nicaragua. The United States had refused to recognize the Walker government, and the government set up after Walker's expulsion was unable to secure recognition at once. But as the new government failed to restore the ships of the Accessory Transit Company, or to open the transit for any other company, the United States thought it time to take a hand in the matter. Hence Yrissari, who had been minister for several of the Central American republics for a number of years, and had recently been appointed minister for Nicaragua, was received officially on November 16, 1857, for the purpose of signing the treaty mentioned above. This treaty, which probably had been discussed by Cass and Yrissari before this date, provided for the guarantee of the transit route by the United States for the benefit of all nations. The provision was that the United States be authorized to employ troops for the purpose of keeping the transit route open in case Nicaragua should fail. Besides this, there was the usual agreements as to commerce.[13] This was the treaty that Lamar was expected to secure the ratification of by Nicaragua.

Lamar arrived in Nicaragua and spent a little more than a year there in fruitless efforts to secure the ratification of the treaty. The contrary interests of three transit companies that claimed exclusive rights on the isthmus, the interests of Great Britain and

[11] *Senate Document* No. 194, 47 Cong., 1 Sess., p. 49.
[12] *Ibid.*, 88.
[13] *Ibid.*, 117-125.

France, and the natural unwillingness of the General Americans to deal fairly or openly, prevented the accomplishment of his objects. He arrived less than a year after Walker was driven from Nicaragua, and just a short time after his arrest on his second attempt to revolutionize that republic; hence, his reception was not cordial, and he was never able to secure the confidence of any of the officials. The President went so far as to accuse Lamar of being involved with the filibusters, and of having made threats that unless the treaty should be ratified a new filibuster expedition under the auspices of the United States Government would take place; but he was afterwards forced to retract this charge.[14]

In July, 1859, having become hopeless of any result from his efforts Lamar applied for a recall, which was granted, and the latter part of that month he was back in Washington, having drawn up a treaty which he thought might have proved acceptable to the United States Government, but which was never approved. He remained in Washington only a short time, and then returned to his home in Richmond, Texas. He was there preparing to enjoy the association of his friends, when he died rather suddenly on December 19, 1859.

[14]A complete history of Lamar's experiences in Nicaragua does not come within the purposes of this paper. For the sake of unity I have been compelled to omit the story of his connection with that hotbed of revolution and international rivalries, but I shall in the future publish the result of my investigations in this field of his activities.[15]

[15]See for this paragraph Senate Documents, 35 Cong., 2 Sess., No. 1, p. 19.

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Alcantro, battle of, 145, 146.
Almonte, J. N., 138, 140, 146, 151.
Amory, Nathaniel, 172, 173.
Anahuac, tariff troubles, 61.
Anaya, General, 145, 158.
Armijo, Governor of New Mexico, 106, 123, 124, 125, 126, 127.
Augustin, Major, 68.
Austin, Henry, 103.
Austin, Stephen F., 7, 60, 82, 83, 179, 180.
    Secretary of State, 103, 109.
Austin, Texas, 34, 35, 55, 58, 59, 65, 109, 128.
Avery, William, 54.

Bazoche, 133, 134.
Bean, P. E., 83, 84.
Bee, Barnard E., 135ff.
Big Mush, 98.
Bird, Captain John, 76.
Birdsall, John, 167.
Boliver, 8.
Bowl, 64-101.
Bravo, Nicolas, 140.
Britain, treaty with, 155.
Brushy Creek, 114.
Burleson, Colonel Edward, 44, 45, 75, 95, 97, 104.
Burnet, David G., 13, 14, 19, 39, 61, 65, 85, 87, 91, 93, 98, 148, 157, 194.
Bustamante, 133, 134, 136, 140.

California, 104, 133, 139, 145.
Cameron, John, 65, 68.
Canales, Antonio, 135, 144, 145.
Canalizo, 97.
Centralists, 45, 50.
College of DeKalb, 23.
Collingsworth, James, 19.
Columbus Enquirer, 5, 6.
Cooke, Col. W. G., 39, 115, 118, 120, 122.
Cordova Rebellion, 97ff.

Dryden, William G., and Santa Fé Expedition, 111ff.
Dunlap, Richard, 135, 140, 141, 171, 176, 178, 179.

Echeverria, Xavier de, 140.
Education, 22, 24.
Edwards, Benjamin, and the Cherokees, 82, 83.

Federalists, 45, 49, 50, 144, 145, 150, 157, 158, 160, 161, 177.
Fields, Richard, 79, 80, 82, 83, 84.
Filisola, Vincent, 68, 69, 70, 86, 97.
Flores, Manuel, 97, 98.
Fontaine, Rev. Edward, 54, 55.
France, treaty with, 29, 192.
Franco-Texienne Bill, 112.
Fredonia, 84, 86.

Goliad Massacre, 12.
Gorostiza, 137, 140, 149, 183.
Government, 11, 25, 37, 38, 42, 46, 48, 57, 59.
  Central, 104.
  Constitutional, 30, 31, 102.
  Federal, 4, 5.
  Independent, 104.
  Mexican, 49.
  Provisional, 25, 26, 31, 50, 101.
  Supreme, 69.
Grayson, Peter W., 18, 19, 52.
Green, Thomas Jefferson, 11, 12, 13, 14, 42.

Hamilton, James, 31, 136, 138, 142, 146, 152, 155, 185, 186, 188, 189, 191.
Henderson, J. Pinckney, 180, 181, 182, 183, 197.
Horton, A. C., 19, 54, 66, 92.
Hotchkiss, Archibald, 93.
Houston, Sam, 9, 10, 12, 13, 18, 22, 26, 31, 34, 35, 36, 39, 41, 42, 44, 56, 64, 66, 67, 68, 70, 72, 75, 88, 90, 101, 102, 112, 124, 165, 185, 194, 196.
  President, 46, 50, 52, 131.
Hunt, Memucan, 166, 196.
Hunter, John Dunn, 83, 84, 85.
Huston, Felix, 12, 13, 15, 42, 43, 77.

Indians, 3, 5, 21, 24, 34, 35, 37, 41, 44, 45.
  Alabamas, 99.
  Atrocities, 60.
  Bedies, 95.
  Biloxies, 78.
  Bison, 56.
  Caddoes, 74, 78, 95, 170, 171.
  Cherokees, 4, 44, 60, 64, 67, 68, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 95, 96, 98, 100, 101, 170, 171.
  Choctaws, 70, 78, 171.
  Civilized, 60.
  Comanches, 45, 56, 60, 61, 68, 75, 76, 77, 78, 82, 105.
  Coshattoes, 78, 86, 99.
  Creeks, 4.
  Delawares, 92, 95, 171.

Indians—Continued.
Kickapoos, 70, 78, 93, 95, 171.
Kiowas, 68.
Lipans, 75, 78, 128.
Pottawatomies, 171.
Prairie, 78, 108.
Pueblo, 126.
Shawnees, 60, 78, 92, 95, 99, 171.
Wild, 60.

Jack, W. H., 110.
Jackson, Andrew, 140.
Johnston, A. S., 43, 95, 98.
Jones, Anson, 184.
Jones, William Jefferson, 56, 105, 106, 108.

Karnes, Henry, 68, 107.
Kaufman, David F., 38, 101.
Kendall, George Wilkins, 118, 122, 125, 128.
Kennedy, William, 190.

Lamar, L. Q. C., 3.
Lamar, Mirabeau B., birth and ancestry, 1.
Early life, 3ff.
Candidate for Congress, 5.
San Jacinto Battle, 8.
Secretary of War, 9.
Commander of army, 11-13.
Presidential campaign, 15-19.
Closing years, 196.
Death, 203.

Mier Expedition, 145, 146.
Miracle, Pedro Julian, 68, 69, 100.
Mole, Count, 191, 192, 193.
Monterey, Battle of, 79.
Moore, E. W., 47, 49, 50, 150, 158, 160, 161, 162, 163, 178, 179.

Navy appropriations, 39, 42, 46, 49.
New Mexico, 103, 104, 105, 145.
Nueces, 136, 137.
River, 108, 145.
Nueva Leon, 145.

Pakenham, 137, 138, 141, 142, 148, 150, 151, 156, 158, 183, 185.
Palmerston, 137, 138, 141, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190.
Panic of 1837, 25.
Party, States' Rights, 4, 15.

Rebellion, Cordova, 73, 91, 97, 100.
Fredonian, 84, 85.

Republic of the Rio Grande, 145.
Revolt of 1835, 87; 1837, 1848, 125.
Revolutionists, 104.
    Texas, 8.
Revolution, 167.
Rusk, T. J., 9, 12, 13, 14, 17, 42, 44, 68, 71, 72, 74, 92, 196, 200.

Saligny, Alphonse de, 31, 191, 193, 194.
San Antonio Road, 51, 54, 55, 79, 87, 90, 105.
San Augustine, 18, 36, 59.
San Felipe, 7, 60, 62.
San Jacinto, 1, 8, 9, 12, 13, 42, 64, 107, 130, 135, 158.
Santa Fé, 39, 55, 56, 102, 103, 104, 105, 106ff.

Tabasco, 48, 49, 150, 158, 161, 182.
Tamaulipas, 133, 145.
Tampico, 133, 136, 140, 145, 187.
Tariff, 25, 26, 27, 28, 29, 40, 41.
Taylor, General, 197.
Treat, James, 132, 138, 139, 141, 144, 146ff.
Trespalacios, Don Jose Felix, 79, 80, 81, 82.
Troup, George M., Governor of Georgia, 4, 5, 6.

United States, 12, 13, 15, 21, 25, 28, 29, 30, 40, 42, 47.
University, 21, 22.
Uribe, Rafael, 127.
Urrea, 133, 136, 140.

Vera Cruz, 11, 48, 49, 133, 134, 135, 136, 137, 150, 156, 187.
Vidaurri, Francisco, 145.

Waterloo, 54, 55, 56.
Webb, James, 155, 156, 159, 160, 196.
Wharton, W. H., 102, 103, 179.

Yrissari, 201.
Yucatan, 48, 49, 50, 158, 160, 161, 163.
    Alliance of Texas with, 156.

Zapata, Antonio, 145.
Zavala, Lorenzo de, 9, 15.